



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 29, 2008

Mr. Robert G. Schleier, Jr.  
Law Offices of Robert G. Schleier, Jr.  
116 North Kilgore Street  
Kilgore, Texas 75602

OR2008-17575

Dear Mr. Schleier, Jr.:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 330909.

The Kilgore Police Department (the "department"), which you represent, received a request for all police reports pertaining to a named individual and specific reports from 2005 to 2006. You claim that the requested information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim.

You inform us that the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2008-14403 (2008). In Open Records Letter No. 2008-14403, we ruled that to the extent the department maintains law enforcement records depicting the named individuals as suspects, arrestees, or criminal defendants, the department must withhold such information under section 552.101 of the Government Code in conjunction with common-law privacy. The department must also withhold Texas motor vehicle record information we marked in the information that is subject to section 552.022(a)(1) of the Government Code under section 552.130 of the Government Code. Finally, with the exception of basic information, the department may withhold the remaining information that is not subject to section 552.022(a)(1) under section 552.103 of the Government Code. The remaining information must be released. You do not indicate that there has been a change in the law, facts, and circumstances on which the prior ruling was based. Therefore, the department must continue to rely on that ruling as a previous determination and withhold the requested information in accordance with Open Records Letter No. 2008-14403. *See* Open Records

Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As our ruling is dispositive, we need not address your arguments against disclosure.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3). If the governmental body does not file suit over this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can challenge that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Schulz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chris Schulz  
Assistant Attorney General  
Open Records Division

CS/ma

Ref: ID# 330909

cc: Requestor