



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 8, 2009

Mr. Mack Reinwand
Assistant Police Legal Advisor
Arlington Police Department
P.O. Box 1065
Arlington, Texas 76004-1065

OR2009-07770

Dear Mr. Reinwand:

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# 345204 (Police Dept. Reference No. 2009-03-112).

The Arlington Police Department (the "department") received a request for all arrest records regarding the requestor. You state that you are releasing some of the requested information. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that the submitted information was the subject of a previous open records request in response to which this office issued Open Records Letter No. 2008-16973 (2008). In that ruling, we determined that portions of the submitted information may be withheld under section 552.101 of the Government Code in conjunction with the common-law informer's privilege, and that portions of the submitted information must be withheld under section 552.130 of the Government Code. As we have no indication that the law, facts, or circumstances on which the prior ruling was based have changed, the department must continue to rely on that ruling as a previous determination and withhold or release the submitted information consistent with the prior ruling.¹ See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not

¹As our ruling is dispositive, we need not address your arguments against disclosure.

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).

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 345204

Enc. Submitted documents

c: Requestor
(w/o enclosures)