



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 11, 2010

Ms. Andrea M. Gardner
City Manger
City of Copperas Cove
P. O. Drawer 1449
Copperas Cove, Texas 76522

OR2010-00459

Dear Ms. Gardner:

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# 367075.

The City of Copperas Cove (the "city") received a request for all information, including photographs and recordings, pertaining to a specified investigation. You claim the submitted information is excepted from disclosure under sections 552.101, 552.130, and 552.147 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information).

Initially, we note a portion of the submitted information is not responsive to the instant request as it does not pertain to the specified investigation. We have marked the non-responsive information. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release that information in response to the request.

Next, we note the remaining information, which we have marked, was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-15723 (2009). In that decision, this office ruled the city (1) must withhold the

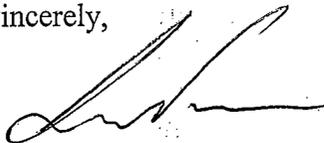
¹We note in your brief dated November 2, 2009, you withdrew your remaining assertions under the Act.

information we marked under section 552.101 in conjunction with section 411.153 of the Government Code; (2) must withhold the information we marked under section 552.101 of the Government Code in conjunction with common-law privacy; (3) must withhold the information it marked under section 552.130 of the Government Code; (4) may withhold the marked social security numbers; and (5) must release the remaining information. As we have no indication that the law, facts, or circumstances on which the prior ruling was based have changed, the city must continue to rely on Open Records Letter No. 2009-15723 as a previous determination and release the information we have marked at issue in accordance with the prior ruling. *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 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, toll free, at (888) 672-6787.

Sincerely,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/eeg

Ref: ID# 367075

Enc. Submitted documents

c: Requestor
(w/o enclosures)