



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 29, 2010

Ms. Teresa J. Brown
Senior Open Records Assistant
Plano Police Department
P.O. Box 860358
Plano, Texas 75086-0358

OR2010-09603

Dear Ms. Brown:

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# 384769.

The Plano Police Department (the "department") received a request for information pertaining to a specified accident. You state the requestor has been referred to the municipal court for some of the requested records. You also state the department has released some of the responsive information. You claim the remaining requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Initially, you inform us that the responsive audio and video recordings were the subject of a previous ruling issued by this office, Open Records Letter No. 2010-04892 (2010). You state the department will release this information to the requestor with license plate numbers redacted in accordance with our ruling in Open Records Letter No. 2010-04892. As we have no indication that the law, facts, and circumstances on which this prior ruling was based have changed, you must continue to rely on this prior ruling as a previous determination and treat the previously ruled upon information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, circumstances on which prior ruling was

¹We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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). With respect to the information that was not previously ruled upon in Open Records Letter No. 2010-04892, we will address your argument against disclosure.

You raise section 552.108(a)(1) of the Government Code for the submitted information. You state you will withhold this information under section 552.108, as it relates to an ongoing criminal investigation, based upon the ruling in *Attorney General v. Plano Police Department*, No. GV-001919 (126th Dist., Travis County, Tex., December 18, 2000). Therefore, with the exception of basic information, which you state has been released, the department may withhold the submitted information under section 552.108(a)(1) in accordance with the ruling in *Attorney General v. Plano Police Department*. We note that you have the discretion to release all or part of this information that is not otherwise confidential by law. Gov't Code § 552.007.

In summary, the department must continue to rely on Open Records Letter No. 2010-04892 as a previous determination and treat the previously ruled upon information in accordance with that ruling. With the exception of basic information, which you state has been released, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code in accordance with the ruling in *Attorney General v. Plano Police Department*.

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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/jb

Ref: ID# 384769

Enc. Submitted documents

c: Requestor
(w/o enclosures)