



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 5, 2010

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
321 John Sartain
Corpus Christi, Texas 78401

OR2010-15139

Dear Mr. Bounds:

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# 398705.

The Corpus Christi Police Department (the "department") received a request for information relating to disciplinary actions taken against a named officer and documents relating to his rank and position. You state the department is making some of the requested information available to the requestor, with information redacted pursuant to the previous determination set forth in Open Records Decision No. 670 (2001).¹ You claim 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.

The submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2008-15055 (2008). In that ruling, we determined the following: (1) the department must withhold the information marked under section 552.101 of the Government Code in conjunction with section 261.201 of the Family

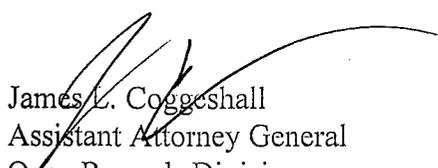
¹A government body may withhold a peace officer's home address and telephone number, personal cell phone and pager numbers, social security number, and family member information under section 552.117(a)(2) without requesting a decision from this office. *See* Open Records Decision No. 670 (2001); Gov't Code § 552.147(b).

Code, section 1703.306 of the Occupations Code, and common-law privacy; (2) the department must withhold the information marked under sections 552.117, 552.136, and 552.137 of the Government Code; however, the department may not withhold the marked cell phone numbers under section 552.117 if the phones were provided at public expense; (3) the department must withhold the information marked under section 552.1175 of the Government Code if the officers at issue elect to restrict access to this information in accordance with section 552.1175(b); (4) with the exception of basic information, the department may withhold the remaining information marked under section 552.108(a)(2) of the Government Code; and (5) the department must release the remaining information, but any copyrighted information may only be released in accordance with copyright law. As we have no indication that the law, facts, and 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 this information in accordance with Open Records Letter No. 2008-15055.² 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).

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tp

²As our ruling is dispositive, we do not address your arguments to withhold this information.

Ref: ID# 398705

Enc. Submitted documents

c: Requestor
(w/o enclosures)