



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 4, 2010

Ms. Cecilia Gamez
Crime Records Bureau
McAllen Police Department
P.O. Box 220
McAllen, Texas 78501

OR2010-16741

Dear Ms. Gamez:

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# 399146.

The McAllen Police Department (the "department") received a request for report number 2010-073880. You claim the submitted report is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

The submitted report was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2010-12381 (2010). In that decision, we determined the department must release the submitted information to the requestor in its entirety pursuant to article 2.29 of the Code of Criminal Procedure. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the department must continue to rely on Open Records Letter No. 2010-12381 as a previous determination and release report number 2010-73880 to the requestor in accordance with that ruling.¹ See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was

¹As we noted in our previous ruling, because the requestor has a special right of access to the information in this instance, the department must again seek a decision from this office if it receives another request for the same information from another requestor.

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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/tp

Ref: ID# 399146

Enc. Submitted documents

c: Requestor
(w/o enclosures)