



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 3, 2010

Ms. Patricia Fleming  
Assistant General Counsel  
TDCJ - Office of the General Counsel  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2010-18132

Dear Ms. Fleming:

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# 402540.

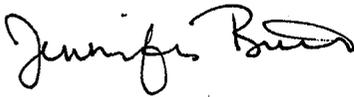
The Texas Department of Criminal Justice (the "department") received a request for "videos, tapes and DVDs" regarding a former department employee. You claim the submitted information is excepted from disclosure under section 552.134 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the submitted video recordings were the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2010-09129A (2010). In that decision, we ruled the department's Office of the General Counsel must withhold portions of the submitted video recordings under section 552.134 of the Government Code but must release the remaining portions of the video recordings to the requestor. As we have no indication 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. 2010-09129A as a previous determination and withhold or release the submitted information in accordance with that 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 argument 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](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,



Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/dls

Ref: ID# 402540

Enc. Submitted documents

c: Requestor  
(w/o enclosures)