



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 3, 2011

Ms. Tamma Willis
Records Division
McLennan County Sheriff's Office
901 Washington Avenue
Waco, Texas 76701

OR2011-11214

Dear Ms. Willis:

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# 425924.

The McLennan County Sheriff's Office (the "sheriff") received a request for (1) any written policies regarding suspect pursuits, (2) dispatch tapes on a specified date during a specified period of time pertaining to specified events, and (3) dash camera footage of the vehicles driven by two named officers on the same specified date and for the same specified period of time. You state information responsive to item three does not exist.¹ You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the submitted report for case number 11-1038 is not responsive to the instant request. The sheriff need not release nonresponsive information in response to this request, and this ruling will not address that information.

Next, you inform us the remaining information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2011-09794

¹We note the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986).

(2011). In that ruling, we determined the sheriff may (1) withhold the dispatch tapes under section 552.108(a)(1) of the Government Code and (2) withhold portions of the sheriff's policies on suspect pursuits under section 552.108(b)(1) of the Government Code. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the sheriff may continue to rely on that ruling as a previous determination and withhold or release the responsive information in accordance with Open Records Letter No. 2011-09794. *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 we are able to make this determination, we need not address your arguments against disclosure of the remaining information.

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,



Sean Nottingham
Assistant Attorney General
Open Records Division

SN/tf

Ref: ID# 425924

Enc. Submitted documents

c: Requestor
(w/o enclosures)