



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 10, 2012

Ms. Tiffany N. Evans
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2012-06919

Dear Ms. Evans:

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# 453203 (GC# 19415).

The Houston Police Department (the "department") received a request for any current or previous versions of the department's Joint Terrorism Task Force memorandum of understanding with the Federal Bureau of Investigation (the "FBI"). Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the interests of the FBI. Accordingly, you state, and provide documentation showing, you notified the FBI of its right to submit comments to this office why the submitted information should not be released.¹ See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have reviewed the submitted information.

Initially, we note some of the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2010-00763 (2010). In that ruling, we determined the department may not withhold the information at issue under section 552.101 of the Government Code in conjunction with any federal law, and must release the information. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, to the

¹As of the date of this letter, this office has not received comments from the FBI explaining why any of the submitted information should not be released.

extent the submitted information is identical to the information previously requested and ruled upon by this office, we conclude the department must rely on Open Records Letter No. 2010-00763 as a previous determination and release the identical 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 no exceptions to disclosure have been raised for the remaining submitted information, it must also be released.

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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 453203

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Roderick L. Beverly
Federal Bureau of Investigation - Houston
1 Justice Park Drive
Houston, Texas 77092
(w/o enclosures)