



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 17, 2012

Ms. Leticia Mendiola
Crime Records Office
McAllen Police Department
P.O. Box 220
McAllen, Texas 78501

OR2012-07408

Dear Ms. Mendiola:

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# 453866.

The McAllen Police Department (the "department") received a request for case numbers 2012-7326 and 2012-17109. You state the department considers this request repetitious and redundant of a previous request received by the department from this requestor. We have considered your argument and reviewed the submitted information.

Initially, we note you have not submitted any information pertaining to case number 2012-17109. Thus, to the extent responsive information pertaining to case number 2012-1709 existed when the present request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

You state the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2012-06681 (2012). In that ruling, we determined, with the exception of the basic information, the department may withhold the information at issue under section 552.108(a)(1) of the Government Code; but in releasing the basic information, the department must withhold the identity of the reporting

party of alleged child abuse under section 552.101 of the Government Code in conjunction with section 261.201(l)(3) of the Family Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we determine the department must continue to rely on Open Records Letter No. 2012-06681 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 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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JLU/som

Ref: ID# 453866

Enc. Submitted documents

c: Requestor
(w/o enclosures)