



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 27, 2012

Mr. Charles H. Weir  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283

OR2012-11749

Dear Mr. Weir:

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# 460494 (COSA File No. W007465).

The City of San Antonio (the "city") received a request for all video and audio recordings pertaining to a specified incident. 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 information includes photographs and a police report. The requestor seeks only video and audio recordings. Therefore, the submitted photographs and report, which we have marked, are not responsive to the instant request. This ruling does not address the public availability of that information, and the city need not release any non-responsive information.

Next, we note the responsive information was the subject of a previous request for a ruling, in response to which this office issued Open Records Letter No. 2012-01643 (2012). In this prior ruling, we ruled to the extent the city had previously released the submitted information to another member of the public, the city must release that information to the requestor. To the extent the submitted information had not been previously released, then, with the exception of basic information, the city may withhold the submitted information under section 552.108(a)(1) of the Government Code. 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 city must rely on Open Records Letter No. 2012-01643 as a previous determination and withhold or release the responsive information in accordance with it.<sup>1</sup> 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).

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,



Michelle R. Garza  
Assistant Attorney General  
Open Records Division

MRG/som

Ref: ID# 460494

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>Because our ruling is dispositive, we do not address your argument against disclosure.