



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 13, 2012

Mr. Thomas Bailey
Legal Services
VIA Metropolitan Transit
P.O. Box 12489
San Antonio, Texas 78212

OR2012-20055

Dear Mr. Bailey:

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# 475081.

VIA Metropolitan Transit ("VIA") received a request for specified video files pertaining to one hundred and eleven incident numbers. You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have only submitted video files pertaining to two of the one hundred and eleven incident numbers listed in the request for information. To the extent VIA maintains additional information responsive to the request that existed on the date the request was received, we assume VIA has released this information. If VIA has not released any such information, it must do so 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 inform us the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2012-09189 (2012). In that ruling, we found VIA may withhold the information at issue under section 552.103 of the Government Code. We understand you to believe the identity of the requestor in this instance, which is different than that in Open Records Letter No. 2012-09189, is a change of facts and circumstances requiring VIA to request another ruling from this office. Upon review, we find the identity of this requestor does not

constitute a change of facts and circumstances in this instance. Thus, we conclude, as the law, facts, and circumstances on which the prior ruling was based have not changed, VIA may continue to rely on that ruling as a previous determination and withhold the submitted information in accordance with Open Records Letter No. 2012-09189.¹ 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 a 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, 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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/bhf

Ref: ID# 475081

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your argument against disclosure.