



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 26, 2013

Mr. William P. Chesser  
Deputy City Attorney  
City of Breckenridge  
Messer, Rockefeller & Fort, P.L.L.C.  
4400 Buffalo Gap Road, Suite 2800  
Abilene, Texas 79606

OR2013-06888

Dear Mr. Chesser:

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# 485501.

The City of Breckenridge (the "city"), which you represent, received a request for information pertaining to a specified incident. You inform us the city has released most of the requested information. You claim Exhibit B and portions of Exhibits C and D are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note Exhibits B, C, and D were the subject of a previous request for a ruling, in response to which this office issued Open Records Letter No. 2013-03456 (2013). In that ruling, we determined the department may withhold the information we marked under section 552.108(b)(1) of the Government Code and must release the remaining information. As we have no indication the law, facts, and circumstances on which Open Records Letter No. 2013-03456 was based have changed, we conclude the city may continue to rely on Open Records Letter No. 2013-03456 as a previous determination and withhold or release Exhibits B, C, and D in accordance with that ruling.<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,

---

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

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](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# 485501

Enc. Submitted documents

c: Requestor  
(w/o enclosures)