



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 13, 2013

Mr. Alan T. Ozuna  
Denton, Navarro, Rocha & Bernal, P.C.  
701 East Harrison, Suite 100  
Harlingen, Texas 78550-9151

OR2013-07910

Dear Mr. Ozuna:

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# 487147.

The City of Brownsville (the "city"), which you represent, received a request for information pertaining to an officer-involved shooting at a named middle school. You claim the requested information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

You inform us the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2012-01776 (2012). In that ruling, we determined the information at issue must be withheld under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. In this instance, as we have no indication the law, facts, or circumstances upon which that prior ruling was based have changed, we conclude the city must continue to rely on that decision as a previous determination and withhold the requested information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than those submitted to this office.

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). As we are able to make this determination, we need not address your arguments against 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,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/ag

Ref: ID# 487147

Enc. Submitted documents

c: Requestor  
(w/o enclosures)