



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 7, 2013

Ms. Laura Russell
Attorney
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

OR2013-19507

Dear Ms. Russell:

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# 505051 (TPWD No. 2013-08-R47).

The Texas Parks and Wildlife Department (the "department") received a request for information pertaining to a specified incident involving a named individual. You state the department released some information. You claim portions of the submitted information are excepted from disclosure under sections 552.101, 552.1175, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, you state, and we agree, the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-18629 (2013). In that ruling, we determined the department must withhold the marked information under section 552.1175 of the Government Code to the extent the peace officer whose information is at issue elects to restrict access to his information in accordance with section 552.1175(b), must withhold the information you marked under section 552.130 of the Government Code, and must release the remaining information. We have no

¹Although you do not raise sections 552.1175 and 552.130 of the Government Code, we understand you to assert that some of the submitted information is excepted from disclosure under these exceptions based on your markings.

indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the department must continue to rely on Open Records Letter No. 2013-18629 as a previous determination and withhold or release the identical 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 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/akg

Ref: ID# 505051

Enc. Submitted documents

c: Requestor
(w/o enclosures)