



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 21, 2014

Ms. Tracey L. Jennings  
Law Office of Tracey Jennings  
200 East Tarrant Street  
Bowie, Texas 76230

OR2014-01201

Dear Ms. Jennings:

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# 512797.

The City of Bowie (the "city"), which you represent, received a request for "any audio or video recordings, documentary evidence, witness statements or other investigative materials" related to allegations of misconduct by the requestor's clients. You state the city has released a portion of the submitted audio recording to the requestor. You claim the remaining portion of the submitted audio recording 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 you have not submitted any documentary evidence, witness statements or other investigative materials to this office for review. Further, you have not indicated that such information does not exist or that you wish to withhold any such information from disclosure. Therefore, to the extent information responsive to this aspect of the request exists, we assume that you have released it to the requestor. If you have not released any such information, you must release it to the requestor at this time. *See Gov't Code §§ 552.301(a), .302; Open Records Decision No. 664 (2000)* (noting that if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible under circumstances).

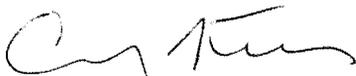
You state the information the city seeks to withhold was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-17969 (2013). In Open Records Letter No. 2013-17969, we determined, in part,

the city may withhold the information at issue under section 552.108(a)(1) of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the prior ruling was based. Accordingly, we conclude the city may rely on Open Records Letter No. 2013-17969 as a previous determination and withhold the information at issue 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, 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](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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 512797

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

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