



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 30, 2014

Mr. Grant Jordan
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2014-11147

Dear Mr. Jordan:

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# 527355 (City PIR No. W033065).

The City of Fort Worth (the "city") received a request for information pertaining to a specified incident, including reports, statements, investigation files, drawings, maps, notes, tests, and evaluations. You state you will release some information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

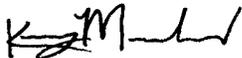
You inform us the city received a previous request for information on September 23, 2013, as a result of which this office issued Open Records Letter No. 2013-21838 (2013). In that ruling, we determined the city may withhold portions of the responsive information in accordance with Open Records Letter No. 2013-09789 (2013) as a previous determination and the remaining information at issue under section 552.108(a)(1) of the Government Code. In response to the current request, you have submitted an audio recording that was responsive to the September 23, 2013, request but which was not submitted for our review at that time. We note the information submitted for our review as responsive to the September 23, 2013, request was representative of the requested information as a whole, including the audio recording at issue. Thus, the currently submitted audio recording is subject to Open Records Letter No. 2013-21838. We have no indication that the law, facts, or circumstances on which

the prior ruling was based have changed. Thus, the city may continue to rely on Open Records Letter No. 2013-21838 as a previous determination and withhold the requested information, including the currently submitted audio recording, in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (governmental body may rely on previous determination when records or information at issue are precisely same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D); governmental body which received request for records or information is same governmental body that previously requested and received ruling from attorney general; prior ruling concluded that precise records or information are or are not excepted from disclosure under Act; and law, facts, and circumstances on which prior ruling was based have not changed since issuance of ruling). As our ruling is dispositive for the requested information, 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.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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/tch

Ref: ID# 527355

Enc. Submitted documents

c: Requestor
(w/o enclosures)