



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 6, 2014

Ms. Julia Gannaway
Counsel for City of Alice
Lynn, Ross & Gannaway, L.L.P.
306 West Broadway Avenue
Fort Worth, Texas 76104

OR2014-17765

Dear Ms. Gannaway:

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# 538801.

The City of Alice (the "city"), which you represent, received two requests from the same requestor for information regarding the internal investigation of a named employee, including photographs and specified e-mails. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.107 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

We note, and you acknowledge, the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2014-11157 (2014). As to the representative sample of information at issue in that ruling, we determined the city (1) must withhold certain information under section 552.101 of the Government Code in conjunction with common-law privacy, (2) may withhold certain

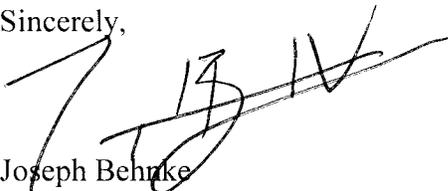
¹This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. See Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

information under Texas Rule of Evidence 503, (3) must withhold certain information under section 552.117(a)(2) of the Government Code, (4) must withhold certain information under section 552.117(a)(1) of the Government Code if the employees at issue made timely elections under section 552.024 of the Government Code, and (5) must release the remaining information. There is no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the city must continue to rely on Open Records Letter No. 2014-11157 as a previous determination and withhold or release that 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 a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that 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.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,



Joseph Behrke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 538801

Enc. Submitted documents

c: Requestor
(w/o enclosures)