



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 19, 2016

Ms. Josi Diaz  
Assistant City Attorney  
City of Dallas  
Criminal Law and Police Section  
1400 South Lamar Street  
Dallas, Texas 75215

OR2016-01361

Dear Ms. Diaz:

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# 600515 (City ORR# 20484).

The Dallas Department (the "department") received a request a specified police report. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

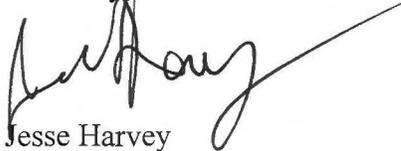
We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2015-19902 (2015). In that ruling, we determined the department must withhold the information we marked under section 552.101 of the Government Code in conjunction with common law privacy and the motor vehicle record information we marked under section 552.130 of the Government Code and must release the remaining information pursuant to section 552.302 of the Government Code. We assume the department released the information at issue. Section 552.007 of the Government Code provides information that has been voluntarily released to a member of the public may not subsequently be withheld from another member of the public, unless public disclosure of the information is expressly prohibited by law or the information is confidential under law. *See Gov't Code* § 552.007; Open Records Decision Nos. 518 at 3 (1989), 490 at 2 (1988). Accordingly, the department may not withhold previously released information unless its release is expressly prohibited by law or the information is confidential under law. You now seek to withhold the previously released information under

section 552.108 of the Government Code on behalf of the Dallas County District Attorney's Office. Section 552.108 is a discretionary exception to disclosure that protects a governmental body's interests and may be waived. *See* Gov't Code § 552.007; Open Records Decision No. 177 (1977) (governmental body may waive statutory predecessor to section 552.108); *see also* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions). As such, section 552.108 neither prohibits public disclosure of information nor makes information confidential under law. Therefore, the department may not withhold the information at issue under section 552.108. Accordingly, we conclude the department must rely on Open Records Letter No. 2015-19902 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](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,



Jesse Harvey  
Assistant Attorney General  
Open Records Division

JH/eb

Ref: ID# 600515

Enc. Submitted documents

c: Requestor  
(w/o enclosures)