



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 23, 2016

Mr. L. Brian Narvaez
Counsel for City of Joshua
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2016-18985

Dear Mr. Narvaez:

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# 623769.

The Joshua Police Department (the "department"), which you represent, received a request for a specified incident report. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

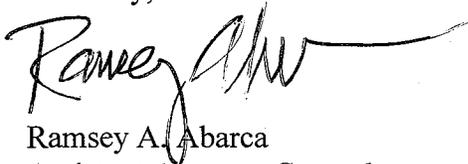
Initially, we note the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2016-13335 (2016). In that ruling, we ruled that some of the information at issue is excepted from disclosure under section 552.101 of the Government Code in conjunction with common-law privacy. However, we note the requestor in this instance is one of the individuals whose information is subject to section 552.101 of the Government Code in conjunction with common-law privacy. Thus, the requestor has a right of access to his private information pursuant to section 552.023 of the Government Code and it may not be withheld from him on the basis of section 552.101 of the Government Code. *See* Gov't Code § 552.023(a) ("[a] person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests"); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated

when individuals request information concerning themselves). Accordingly, we find the circumstances have changed with respect to the requestor's information, and the department may not rely on Open Records Letter No. 2016-13335 as a previous determination in regard to that information. *See* Open Records Decision No. 673 at 7-8 (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). As to the remaining submitted information, we have no indication the law, facts, or circumstances have changed. Accordingly, with the exception of the information to which the requestor has a right of access pursuant to section 552.023 of the Government Code, which must be released to him, the department must rely on Open Records Letter No. 2016-13335 as a previous determination and withhold or release the submitted information in accordance with that ruling. As our ruling is dispositive, we need not consider 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,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/dls

Ref: ID# 623769

c: Requestor