



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 20, 2016

Mr. Scott A. Durfee
Assistant General Counsel
Office of the District Attorney
County of Harris
1201 Franklin, Suite 600
Houston, Texas 77002-1901

OR2016-23628

Dear Mr. Durfee:

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# 631151.

The Harris County District Attorney's Office (the "district attorney's office") received a request for for all documents pertaining to a specified incident. You state you have released 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.¹

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2016-14670 (2016). In that ruling, we concluded the district attorney's office must withhold the accident reports at issue under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code; the district attorney's office must release the redacted accident reports to this requestor pursuant to section 550.065(c-1) of the Transportation Code; and,

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

with the exception of basic information, which must be released, the district attorney's office may withhold the remaining information at issue under section 552.108(a)(2) of the Government Code. As we have no indication the law, facts, or circumstances on which the prior ruling was based have changed, the district attorney's office must continue to rely on Open Records Letter No. 2016-14670 as a previous determination and withhold or release the submitted information in accordance with that ruling.² 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, 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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 631151

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we need not address your arguments against disclosure.