



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 29, 2009

Ms. Yvette Aguilar
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2009-10497

Dear Ms. Aguilar:

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# 350882.

The City of Corpus Christi (the "city") received a request for video of fights at the Corpus Christi State School. You inform us that the submitted information is the subject of a previous open records letter ruling. You also claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered your arguments and reviewed the information you submitted.

You state that the submitted video was the subject of previous requests for information, as a result of which this office issued Open Records Letter No. 2009-07760A (2009). The previous ruling encompasses, among other things, certain information held by the city that is being utilized by the Adult Protective Services Division (the "division") of the Texas Department of Family and Protective Services in an investigation under chapter 48 of the Human Resources Code. The previous ruling concludes that information utilized in the division's investigation must be withheld from the public under section 552.101 of the Government Code in conjunction with section 48.101 of the Human Resources Code.¹ You inform us that the submitted video is encompassed by our ruling in Open Records Letter

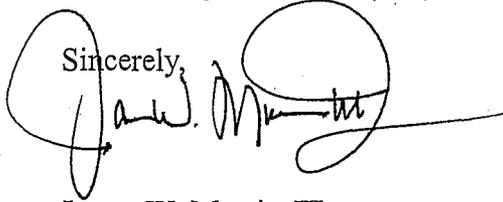
¹Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," and encompasses information that other statutes make confidential. Gov't Code § 552.101. Section 48.101 provides in part that "all files, reports, records, communications, and working papers used or developed in an investigation made under [chapter 48 of the Human Resources Code] or in providing services as a result of an investigation" is confidential and not subject to disclosure under the Act. Hum. Res. Code § 48.101(a).

No. 2009-07760A under section 552.101 in conjunction with section 48.101. You do not indicate that there has been any change in the law, facts, and circumstances on which our previous ruling is based.² We therefore conclude that the submitted video must be withheld from the present requestor in accordance with Open Records Letter No. 2009-07760A.³ See Gov't Code § 552.301(a); Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 350882

Enc: Submitted information

c: Requestor
(w/o enclosures)

²Although you inform us that a court ordered the Corpus Christi Police Department to produce a copy of the submitted video in connection with a subpoena and a motion to compel, we find that compliance with such an order does not constitute a change in the underlying law, facts, and circumstances of Open Records Letter No. 2009-07760A. Cf. Gov't Code § 552.0055 (subpoena duces tecum or request for discovery issued in compliance with statute or rule of civil or criminal procedure is not considered to be request for information under Act).

³As we are able to make this determination, we do not address your other arguments against disclosure.