



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 16, 2009

Mr. B. Chase Griffith
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2009-13076

Dear Mr. Griffith:

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# 355564.

The Little Elm Police Department (the "department"), which you represent, received a request for two specified incident reports. The department received another request for the same two incident reports in addition to a third incident report. You claim that 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.

We note that the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-12707 (2009). In that decision, we ruled that, with the exception of basic information, the department may withhold the information at issue under sections 552.108(a)(1) and 552.108(a)(2) of the Government Code. As we have no indication that the law, facts, or circumstances on which the prior ruling was based have changed, the department may continue to rely on that ruling as a previous determination and withhold or release the submitted information in accordance with the previous determination.¹ 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

¹As we are able to make this determination, we need not address your arguments against disclosure.

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.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, toll free, at (888) 672-6787.

Sincerely,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 355564

Enc. Submitted documents

c: Requestor
(w/o enclosures)