



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 10, 2009

Mr. C. Patrick Phillips
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102

OR2009-16021

Dear Mr. Phillips:

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# 360942 (City of Fort Worth PIR #5347-09).

The City of Fort Worth (the "city") received a request for information pertaining to a specified investigation. You claim the requested 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.

The requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2007-09820 (2007).¹ In that ruling, we ruled the city must withhold the requested information under section 552.101 of the Government Code in conjunction with common-law privacy because the information pertained to a sexual assault investigation, and the requestor knew the identity of the victim. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the city must continue to rely on that ruling as a previous determination and withhold this information in accordance with Open Records Letter No. 2007-09820.² See ORD 673 (so long as law, facts, and circumstances on which prior ruling was based have

¹We note the requestor here was also the requestor in Open Records Letter No. 2007-09820.

²As our ruling is dispositive, we do not address your other arguments to withhold this information.

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.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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cc

Ref: ID# 360942

Enc. Submitted documents

cc: Requestor
(w/o enclosures)