



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 23, 2009

Mr. Mark G. Mann
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR2009-16686

Dear Mr. Mann:

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# 367015 (GCA 09-0820).

The Garland Police Department (the "department") received two requests for information pertaining to a specified incident report. You state you have released some of the requested information. You claim that some of the submitted information is exempted from disclosure under sections 552.108 and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, you inform this office that some of the requested information was the subject of a previous request received by the department, as a result of which this office issued Open Records Letter No. 2009-0554 (2009). In that decision, we ruled the department may withhold the portions of the information at issue you had marked in red under section 552.108(a)(1) of the Government Code and release the remaining information. We have no indication that there has been any change in the law, facts, or circumstances on

¹We note that you have redacted a social security number from the submitted information. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See* Gov't Code § 552.147(b).

which the previous ruling was based. We therefore conclude that the department may continue to rely on Open Records Letter No. 2009-09554 as a previous determination and withhold or release the previously ruled upon 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).

You also assert that some of the remaining information, which you have marked in green, is excepted under section 552.130 of the Government Code. Section 552.130 provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). We agree that the Texas motor vehicle record information you have marked in green in the remaining information must be withheld under section 552.130.

In summary, the department may continue to rely on Open Records Letter No. 2009-09554 as a previous determination and withhold or release the previously ruled upon information in accordance with that ruling. The department must withhold the information you have marked in green under section 552.130 of the Government Code. The remaining information must be released.³

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

²As our ruling for this information is dispositive, we need not address your argument against its disclosure.

³We note that the information to be released contains information that would be confidential with regard to the general public, but to which the second requestor has a right of access under section 552.023 of the Government Code. Section 552.023(a) provides that "[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." Gov't Code § 552.023(a). Should the department receive another request for this information from someone other than the second requestor or his authorized representative, the department should again seek a decision from this office.

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/dls

Ref: ID# 367015

Enc. Submitted documents

c: Requestors
(w/o enclosures)