



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 14, 2009

Mr. Jon Thatcher  
Wolfe, Tidwell & McCoy, LLP  
Attorneys & Counselors  
2591 Dallas Parkway, Suite 205  
Frisco, Texas 75034

OR2009-17611

Dear Mr. Thatcher:

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# 364132 (File No. C03029PIR20090920-01).

The Anna Police Department (the "department"), which you represent, received a request for the forensic test results pertaining to a specified police investigation. 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 have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

You inform us that the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2009-10831 (2009). In Open Records Letter No. 2009-10831, we ruled that the department may withhold the information at issue under section 552.108(a)(1) of the Government Code. We conclude that, as we have no indication that the law, facts, and 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 the submitted information in accordance with Open Records Letter No. 2009-10831. *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 a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address your submitted arguments against 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](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,



Laura Ream Lemus  
Assistant Attorney General  
Open Records Division

LRL/jb

Ref: ID# 364132

Enc. Submitted documents

c: Requestor  
(w/o enclosures)