



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 3, 2011

Ms. J. Middlebrooks
Assistant City Attorney
Criminal Law and Police Section
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2011-03065

Dear Ms. Middlebrooks:

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# 410704 (ORR# 2010-11501).

The Dallas Police Department (the "department") received a request for the internal affairs records pertaining to a named officer. You claim that the requested information is excepted from disclosure under sections 552.101, 552.108, 552.117, 552.130, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Initially, we note some of the submitted information does not pertain to the officer specified in the request. This information, which we have indicated, is not responsive to the request. This decision does not address the public availability of the non-responsive information, and that information need not be released.

Next, we note the remaining submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2010-02092 (2010). In that ruling, we determined that certain information must be withheld under

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

sections 552.101, 552.117, 552.130, and 552.136 of the Government Code; with the exception of basic information, other information may be withheld under section 552.108(a)(1) of the Government Code; and social security numbers may be withheld under section 552.147 of the Government Code. As we have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the department may rely on Open Records Letter No. 2010-02092 as a previous determination and continue to treat the previously ruled upon records in accordance with that ruling. *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 information is or is not excepted from disclosure). As we make this determination, we do not address your arguments.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 410704

Enc. Submitted documents

c: Requestor
(w/o enclosures)