



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 4, 2012

Ms. Michelle Rangel
Assistant County Attorney
Fort Bend County
301 Jackson Street, Suite 728
Richmond, Texas 77469

OR2012-04856

Dear Ms. Rangel:

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# 449559.

The Fort Bend County Sheriff's Office (the "sheriff's office") received a request for medication records, body temperature records, condition records, and conduct records related to a named inmate of the sheriff's office; records reflecting the monitoring of the named inmate's condition, written statements regarding the named inmate's care or treatment; an incident report related to the inmate's death; and any videotapes, CDs, DVDs, or other digital media depicting the named inmate. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

We note the requested information is the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2012-01990 (2012). In that decision, we ruled the sheriff's office may release the marked medical records only in accordance with the MPA, must release the mental health record we marked if the requestor was authorized to receive the record under section 611.004 or 611.0045 of the Health and

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.

Safety Code, and must release the submitted EMS record if it received written consent that meets the requirements of section 773.093(a) of the Health and Safety Code. We further determined that with the exception of basic information, the sheriff's office may withhold the remaining information under section 552.108(a)(2) of the Government Code and ordered the basic information released. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the sheriff's office must continue to rely on Open Records Letter No. 2012-01990 as a previous determination and withhold or release the identical information 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 that information is or is not excepted from disclosure). As our ruling is dispositive, we need not consider your 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, 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,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/dls

Ref: ID# 449559

Enc. Submitted documents

c: Requestor
(w/o enclosures)