



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 31, 2013

Ms. Elizabeth Hanshaw Winn
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767-1748

OR2013-13202

Dear Ms. Winn:

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# 495100.

The Travis County Sheriff's Office (the "sheriff's office") received two requests for any document identifying any items taken from a named person's vehicle, purse or person after a specified arrest, and all records created or maintained from a specified time frame regarding the named person. You claim 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 information.

Initially, we note that some of the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-12241 (2013). In that ruling, we determined that the sheriff's office may withhold the information at issue under section 552.103 of the Government Code on behalf of the Travis County Attorney's Office. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude that the sheriff's office may rely on Open Records Letter No. 2013-12241 as a previous determination and continue to treat any previously ruled upon 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 the 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). To the extent that the submitted information is not the same information ruled upon in Open Records Letter No. 2013-12241, we will consider your arguments against disclosure.

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information relates to an open investigation and release of the information would interfere with that investigation. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Based on these representations and our review, we conclude section 552.108(a)(1) of the Government Code is applicable to the remaining submitted information, and the sheriff’s office may withhold this information under section 552.108(a)(1) of the Government Code.¹

In summary, to the extent the submitted information is identical to the information previously ruled upon by this office in Open Records Letter No. 2013-12241, the sheriff’s office may continue to rely on that ruling as a previous determination and withhold the previously ruled upon information in accordance with that ruling. The sheriff’s office may withhold the remaining submitted information under section 552.108(a)(1) of the Government Code.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Britni Fabian
Assistant Attorney General
Open Records Division

BF/dls

¹As our ruling is dispositive for the information at issue, we need not address your remaining arguments.

Ref: ID# 495100

Enc. Submitted documents

c: Requestor
(w/o enclosures)