



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 27, 2013

Mr. Charles H. Weir
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2013-16837

Dear Mr. Weir:

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# 500584 (COSA File Nos. W016888 and W016903).

The City of San Antonio (the "city") received two requests for the civil service files of ten city police officers and a city firefighter. You state the city will release some responsive information upon payment of costs. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2013-16672 (2013). In that decision, we ruled as follows: the city must withhold the information we marked under section 552.101 of the Government Code in conjunction with chapter 411 of the Government Code and federal law, and sections 552.102(a), 552.117(a)(2), 552.130, and 552.136 of the Government Code; the city may withhold the identifying information we marked and indicated under section 552.101 of the Government Code in conjunction with the common-law informer's privilege; and the city must release the remaining information.

As we have no indication that the law, facts, or circumstances on which the prior ruling was based have changed, the city must continue to rely on Open Records Letter No. 2013-16672 as a previous determination and continue to withhold or release the submitted information

in accordance with that decision. *See* Open Records Decision No. 673 (2001) (governmental body may rely on previous determination when records or information at issue are precisely same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D); governmental body which received request for records or information is same governmental body that previously requested and received ruling from attorney general; prior ruling concluded that precise records or information are or are not excepted from disclosure under Act; and law, facts, and circumstances on which prior ruling was based have not changed since issuance of ruling). As we are able to make this determination, we do not address the submitted 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.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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 500584

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)