



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 23, 2014

Ms. Juanita Dovalina
Administrative Assistant
City Attorney's Office
City of Laredo
P.O. Box 579
Laredo, Texas 78042-0579

OR2014-01407

Dear Ms. Dovalina:

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# 511762.

The Laredo Police Department (the "department") received a request for a specified video pertaining to case number 12-032288. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We must address the applicability of section 552.007 of the Government Code to the submitted video. This section provides that if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold such information from further disclosure unless its public release is expressly prohibited by law or the information is confidential under law. *See* Gov't Code § 552.007; Open Records Decision No. 518 at 3 (1989); *see also* Open Records Decision No. 400 (1983) (governmental body may waive right to claim permissive exceptions to disclosure under the Act, but it may not disclose information made confidential by law). The department acknowledges that the requestor was previously allowed to view the requested video; therefore, pursuant to section 552.007, the department may not now withhold the video unless its release is expressly prohibited by law or the information is confidential under law. You claim the submitted video is excepted from disclosure under section 552.108 of the

Government Code. However, we note section 552.108 is a discretionary exception to disclosure that protects a governmental body's interests and may be waived. *See* Open Records Decision No. 177 at 3 (1997) (statutory predecessor to section 552.108 subject to waiver). Accordingly, section 552.108 does not make information confidential. As you do not claim release of the submitted information is expressly prohibited by law or the information is otherwise confidential by law, the department must release the submitted information.

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/tch

Ref: ID# 511762

Enc. Submitted documents

c: Requestor
(w/o enclosures)