



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 31, 2014

Mr. Tony Torres
Counsel for the San Benito Consolidated Independent School District
Flores & Torres, L.L.P.
118 East Cano Street
Edinburg, Texas 78539

OR2014-01937

Dear Mr. Torres:

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# 512746.

The San Benito Consolidated Independent School District (the "district"), which you represent, received a request for the mug shot and probable cause affidavit related to a named student. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor is only seeking the mug shot and probable cause affidavit related to the named student. Therefore, the remainder of the submitted information, which we have marked, is not responsive to the instant request. This ruling does not address the public availability of non-responsive information, and the district is not required to release to the non-responsive information in response to this request.

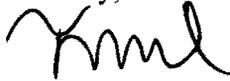
Next, we note the responsive information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2014-01897 (2014). In that ruling, we determined the district may withhold the responsive information under section 552.108(a)(1) of the Government Code. 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 district may rely on Open Records Letter No. 2014-01897 as

a previous determination and withhold the responsive 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 we are able to make this determination, we need not address 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.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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/dls

Ref: ID# 512746

Enc. Submitted documents

c: Requestor
(w/o enclosures)