



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 3, 2014

Ms. Nan Rodriguez
Deputy City Attorney
City of Temple
2 North Main Street, Suite 308
Temple, Texas 76501

OR2014-02020

Dear Ms. Rodriguez:

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# 512893.

The City of Temple (the "city") received a request for the dash cam video from a specified incident. You claim the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim.

You state the requested information was the subject of three previous requests for information, as a result of which this office issued Open Records Letter Nos. 2013-08036 (2013), 2013-17582 (2013), and 2013-18816 (2013). Although you seek to rely on these prior rulings as previous determinations, we note Open Records Letter Nos. 2013-17582 and 2013-18816 were issued to the Bell County Attorney's Office, not the city. As such, the city may not rely on Open Records Letter Nos. 2013-17582 and 2013-18816 as previous determinations to withhold any information. *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 a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). However, Open Records Letter No. 2013-08036 was issued to the city. In Open Records Letter No. 2013-08036, we ruled, in part, that the city may withhold the dash cam

video under section 552.108(a)(1) of the Government Code. You state, and we have no indication to the contrary, that there has been no change in the law, facts, or circumstances on which the previous ruling was based. Therefore, we conclude the city may rely on Open Records Letter No. 2013-08036 as a previous determination and withhold the requested information in accordance with it.¹ *See id.*

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,

A handwritten signature in black ink, appearing to read "Michelle R. Garza", with a long horizontal flourish extending to the right.

Michelle R. Garza
Assistant Attorney General
Open Records Division

MRG/som

Ref: ID# 512893

c: Requestor

¹Because our ruling is dispositive, we do not address your remaining arguments against disclosure.