



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 9, 2014

Ms. Rachel L. Lindsay
Counsel for the City of McKinney
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2014-05849

Dear Ms. Lindsay:

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# 519877 (McKinney Open Records Request No. 10-9406).

The City of McKinney (the "city"), which you represent, received a request for copies of audio files of all 911 calls pertaining to a shooting at a specified address on W. White Avenue on a specified date, as well as for information pertaining to a shooting at a home in the 2700 block of Frontier Lane. You claim some of the requested 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.

Initially, we note you have not submitted information for our review pertaining to the request related to the shooting at a home in the 2700 block of Frontier Lane, nor do you inform us this information has been released to the requestor. Accordingly, to the extent information responsive to this portion of the request existed on the date the request was received, we assume you have released it to the requestor. *See* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

Next, we note the responsive information pertaining to the request related to the shooting on W. White Avenue was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2014-02591 (2014). In that ruling, we determined that the information at issue may be withheld under section 552.108(a)(1) of the Government Code. As we have no indication the law, facts, or circumstances on which the previous ruling was based have changed, we conclude the city may rely on Open Records Letter No. 2014-02591 as a previous determination and withhold the identical 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).

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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/tch

Ref: ID# 519877

c: Requestor