



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 18, 2015

Ms. Mary Ann Powell
Counsel for the City of Stafford
Olson & Olson, L.L.P.
2727 Allen Parkway, Suite 600
Houston, Texas 77019-2133

OR2015-05135

Dear Ms. Powell:

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# 562265 (ORR# COS15-009).

The Stafford Police Department (the "department"), which you represent, received a request for case number 14-1654. We understand the department is withholding motor vehicle record information pursuant to section 552.130(c) of the Government Code.¹ 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.

Initially, you argue the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2014-18538 (2014). In that ruling, we determined with the exception of the basic information, which must be released, the city may withhold the information at issue under section 552.108(a)(2) of the Government Code. You state there has been no change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the city may rely on Open Records Letter No. 2014-18538 as a previous determination and withhold or release the information submitted as Exhibit 2 in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

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). However, we note the information submitted as Exhibit 6 was not responsive to the prior request for information because it was created after the department received that request for information. Therefore, the department may not rely on Open Records Letter No. 2014-18538 as a previous determination with respect to Exhibit 6.

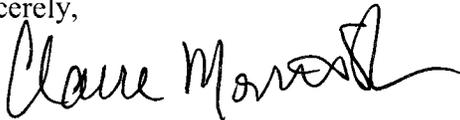
Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state Exhibit 6 relates to a closed case that did not result in conviction or deferred adjudication. Based on your representation and our review, we find the department may withhold Exhibit 6 under section 552.108(a)(2) of the Government Code.

In summary, the city may rely on Open Records Letter No. 2014-18538 as a previous determination and withhold or release the information submitted as Exhibit 2 in accordance with that ruling. The department may withhold Exhibit 6 under section 552.108(a)(2) of the Government Code.

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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 562265

Enc. Submitted documents

c: Requestor
(w/o enclosures)