



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 20, 2015

Ms. LeAnn M. Quinn  
City Secretary  
City of Cedar Park  
450 Cypress Creek Road  
Cedar Park, Texas 78613

OR2015-07549

Dear Ms. Quinn:

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# 560434 (Ref. No. 15-495).

The City of Cedar Park (the "city") received a request for all witness statements, video recordings, and police and investigation reports related to case number 1411-0225 created during a specified period of time. You state the city will release some of the requested information. You also state the city will withhold motor vehicle record information pursuant to section 552.130(c) of the Government Code.<sup>1</sup> You claim some of 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.

You inform us the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2015-01984 (2015). In that ruling, we determined the city (1) may withhold certain information under section 552.108(a)(2) of the Government Code, (2) must withhold the marked motor vehicle record information under section 552.130 of the Government Code, (3) may withhold the marked social security number(s) under section 552.147 of the Government Code, and (4) must release the remaining information. However, we note the submitted documents contain

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<sup>1</sup>Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 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).

the current requestor's information that is subject to sections 552.130 and 552.147. These sections protect privacy interests. Thus, the requestor has a right of access to his own information pursuant to section 552.023 of the Government Code. *See* Gov't Code § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Accordingly, we find circumstances have changed with respect to the information to which the current requestor has a right of access under section 552.023, and the city may not rely on Open Records Letter No. 2015-01984 as a previous determination for this 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 prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As to the remaining submitted information, we have no indication the law, facts, or circumstances have changed. Accordingly, with the exception of the information to which the requestor has a right of access pursuant to section 552.023 of the Government Code, which you state the city has released, the city must rely on Open Records Letter No. 2015-01984 as a previous determination and withhold or release the submitted information in accordance with that ruling. As our ruling is dispositive, we need not consider your argument 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](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,



Nicholas A. Ybarra  
Assistant Attorney General  
Open Records Division

NAY/cbz

Ref: ID# 560434

Enc. Submitted documents

c: Requestor  
(w/o enclosures)