



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 14, 2015

Ms. Judith N. Benton  
Assistant City Attorney  
Legal Services  
City of Waco  
P.O. Box 2570  
Waco, Texas 76702-2570

OR2015-19066

Dear Ms. Benton:

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# 583579 (City Reference No. LGL 15-164).

The City of Waco and the Waco Police Department (collectively, the "city") received two requests from the same requestor for information related to a specified incident, including all police reports, paramedic or emergency medical technician reports, 9-1-1 reports, radio transmissions, and surveillance footage. You state you will release some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

You state the submitted information was the subject of previous requests for information in response to which this office issued Open Records Letter No. 2015-16352 (2015). In Open Records Letter No. 2015-16352, we ruled, in pertinent part, with the exception of information the city has previously released, the city 1) may withhold certain information under section 552.108(a)(1) of the Government Code; 2) must withhold certain information

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

under section 552.152 of the Government Code; 3) must withhold certain information under section 552.130 of the Government Code; and 4) must release the remaining information. You state the law, facts, and circumstances upon which the prior ruling was based have not changed. Accordingly, the city must continue to rely on Open Records Letter No. 2015-16352 as a previous determination and withhold or release the submitted information in accordance with that ruling.<sup>2</sup> 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).

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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 583579

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>As we are able to make this determination, we need not address your arguments for this information.