



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 14, 2015

Mr. Guillermo Trevino
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2015-26262

Dear Ms. Trevino:

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# 590524 (PIR Nos. W046136 and W046303).

The Fort Worth Police Department (the "department") received two requests for all records pertaining to the indefinite suspension of a named department officer. You state you have released some information to the requestor. You state the department has redacted 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 sections 552.101, 552.103, 552.108, and 552.117 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

¹Section 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 id.* § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(c). *See Gov't Code* § 552.130(d), (e).

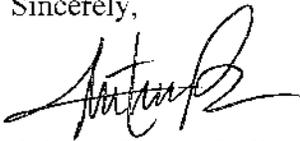
²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision* Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2015-21856 (2015). In Open Records Letter No. 2015-21856, we determined, (1) with the exception of basic information, which must be released, the department may withhold the information we marked and indicated under section 552.108(a)(2) of the Government Code; (2) the department must withhold the information we indicated under section 552.101 of the Government Code in conjunction with constitutional privacy; (3) the department must withhold the information we marked and indicated under section 552.101 of the Government Code in conjunction with common-law privacy; (4) the department must generally withhold the information we marked, in addition to the information you marked, under section 552.117(a)(2) of the Government Code; however, the department may not withhold the marked cellular telephone number if a governmental body pays for the cellular telephone service; and (5) the department must release the remaining information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the department must continue to rely on Open Records Letter No. 2015-21586 as a previous determination and withhold or release the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination).³

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,



Cristian Rosas-Grillet
Assistant Attorney General
Open Records Division

CRG/akg

³As we are able to make this determination, we need not address your arguments against disclosure of this information.

Ref: ID# 590524

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)