



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 15, 2015

Mr. Evaristo Garcia, Jr.
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR2015-26345

Dear Mr. Garcia,:

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# 590757 (PIR W020495-092415).

The City of McAllen (the "city") received a request for the city police department's policy manual, training book, or other literature that outlines the city police department's policies. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have received comments from the requestor. *See Gov't Code* § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the city has only submitted the department's policy manual. The city has not submitted information responsive to the request for the city police department's training book. We assume, to the extent any information responsive to the request for the training book existed on the date the city received the request, the city has released it. If the city has not released any such information, it must do so at this time. *See Gov't Code* §§ 552.006, .301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, the city states the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2015-01688

(2015). In Open Records Letter No. 2015-01688, we ruled the city may withhold the information we marked under section 552.108(b)(1) of the Government Code. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the city may continue to rely on the prior ruling as a previous determination and withhold and release the submitted information in accordance with Open Records Letter No. 2015-01688. *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).¹

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,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/akg

Ref: ID# 590757

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As we are able to make this determination, we need not address the city's argument against disclosure.