



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 4, 2016

Ms. Vanessa A. Gonzalez
Counsel for Baylor University
Bickerstaff Heath Delgado Acosta, L.L.P.
3711 South MoPac Expressway, Building One, Suite 300
Austin, Texas 78746

OR2016-07450

Dear Ms. Gonzalez:

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# 604242.

The Baylor University Police Department (the "department"), which you represent, received a request for all police reports and other documents related to specified incidents during a specified time period. You claim the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We note the department notified the McLennan County Criminal District Attorney's Office ("the district attorney's office") of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information). We have received comments from the district attorney's office. We have considered the exceptions claimed and reviewed the submitted information.

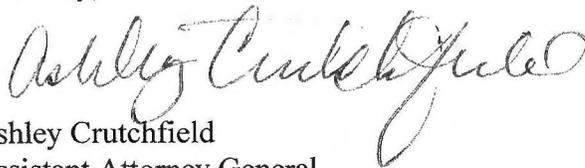
Initially, we note the requestor excluded from her request the name of any sexual assault victim "as well as other identifying information." Thus, such information in the submitted documents is not responsive to the request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the department is not required to release this information in response to this request. *See generally Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed).

We note the information at issue was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2015-24446 (2015). In that ruling, we determined, with the exception of basic information, the department may withhold report numbers A-0398 and A-0520 under section 552.108(a)(1) of the Government Code and report number B-0564 under section 552.108(a)(2) of the Government Code. However, in releasing basic information from report number B-0564, the ruling concluded the department must withhold the identifying information of the victim under section 552.101 of the Government Code in conjunction with common-law privacy.¹ We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the department must continue to rely on Open Records Letter No. 2015-24446 as a previous determination release or withhold the information at issue in accordance with that ruling. *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). As we are able to make this determination, we need not address your submitted arguments.

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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/dls

¹As noted above, the victims' identifying information is not responsive to the instant request.

Ref: ID# 604242

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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(w/o enclosures)