



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 13, 2016

Ms. Julie P. Doshier
Counsel for the City of Farmers Branch
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 North Akard
Dallas, Texas 75201

OR2016-20597

Dear Ms. Doshier:

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# 626381 (Reference # 77721).

The City of Farmers Branch (the "city"), which you represent, received a request for the city police department's policies and procedures for officer-involved shootings, a use of force report related to a specified incident, a statement by a named individual pertaining to a specified incident, the disciplinary file of a named individual, and any related memoranda of suspension. You state the city has released some information to the requestor. You also state the city has no responsive information to some portions of the request. You claim the submitted information is excepted from disclosure under sections 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, you state the city sought clarification of the portion of the request pertaining to the named individual's disciplinary file. *See* Gov't Code § 552.222(b) (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* Open Records Decision No. 31 (1974) (when presented with broad requests for information rather than for specific records, governmental body may advise requestor of types of

information available so request may be properly narrowed). We understand the city has not received clarification of that portion of the request. Thus, we find the city is not required to release information in response to that portion of the request. However, if the requestor does provide clarification, the city must seek a ruling from this office before withholding any responsive information from the requestor. *See City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification or narrowing of unclear or overbroad request for public information, ten-day period to request attorney general ruling is measured from date request is clarified or narrowed).

Next, you state some of the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2016-12716 (2016). In Open Records Letter No. 2016-12716 (2016), this office ruled the city must withhold the information at issue under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. Upon review, we note the information in Exhibit B you seek to withhold was the subject of another previous request for information, as a result of which this office issued Open Records Letter No. 2016-16845 (2016). In Open Records Letter No. 2016-16845, this office ruled the city must withhold the information at issue under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. We have no indication the law, facts, or circumstances on which the prior rulings were based have changed. Thus, the city must continue to rely on Open Records Letter Nos. 2016-12716 and 2016-16845 as previous determinations and withhold the identical information at issue in accordance with those rulings.¹ *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, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

¹ As our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted information.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'KH', with a horizontal line extending to the right.

Kieran Hillis
Assistant Attorney General
Open Records Division

KH/akg

Ref: ID# 626381

Enc. Submitted documents

c: Requestor
(w/o enclosures)