



November 9, 1999

Mr. Clark Cornwell
Attorney
Border Project Management Division
Texas Water Development Board
P.O. Box 3231
Austin, Texas 78711-3231

OR99-3173

Dear Mr. Cornwell:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128719.

The Texas Water Development Board (the "board") received two written requests for surveys conducted by the board of residents of Ingleside on the Bay in connection with its Economically Distressed Areas Program. In Open Records Letter No. 99-2087 (1999), this office ruled on the public nature of these documents. Consequently, OR99-2087 constitutes a previous determination of this matter for purposes of section 552.301(a) of the Government Code. Accordingly, this office need not further address this issue. The board must release all information held to be public in OR99-2087.

The board has also received requests for similar surveys of a residential area known as the "Doyle Addition." You inform us that the survey forms that the board used for the Doyle Addition are the same as those used in Ingleside on the Bay. We conclude, therefore, that the legal conclusions this office reached in OR99-2087 are equally applicable here. For the reasons outlined in OR99-2087, the board may withhold pursuant to common-law privacy only those responses to the surveys reflecting the annual household income for each surveyed home.¹ See Open Records Decision No. 373 (1983). The remaining portions of the requested surveys must be released to the requestors.

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 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.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/RWP/ljp

Ref.: ID# 129719

Encl. Submitted documents

cc: Ms. Mary Beth Nelson
Common Cause - Corpus Christi
2721 Erie Drive
Corpus Christi, Texas 78414
(w/o enclosures)

Ms. Julie Stalcup
P.O. Box 40
Elroy, Texas 78352
(w/o enclosures)

Ms. Paige Allan Stasney
P.O. Box 223
Portland, Texas 78374
(w/o enclosures)

Ms. Barbara Story
P.O. Box 1559
Odem, Texas 78370
(w/o enclosures)