ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 20, 2006

Mr. Andrew A. Chance
Ashcraft Law Firm
3900 Republic Center
325 North St. Paul Street
Dallas, Texas 75201

OR2006-07873

Dear Mr. Chance:

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# 254561.

North Central Texas College (the "college"), which you represent, received a request for certain documents and records that were sent to this office by the administration of the college, your law firm, and/or three other named individuals. You inform us that the requestor was asked to clarify the request.[1] The clarified request is as follows:

> My primary interest is in the documents submitted to the attorney general as a result of my information requests in February – April last year that the Attorney General ruled should be provided to me as a board member and didn't authorize specific redactions. I am also wanting to see any documents sent by any one named or included in [the initial request for information] to the Criminal Investigation Division of the Attorney General's Office. My understanding is that based on the [Attorney General's] ruling OR2006-03070, most if not all of these documents have been ruled public information without redaction.

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[1]*See* Gov't Code § 552.222(b) (if what information is requested is unclear or if large amount of information has been requested, governmental body may ask requestor to clarify request or discuss with requestor how scope of request might be narrowed).

You assert that the clarified request is redundant of previous requests for information that the college has received from this and other requestors. You also state that the information that is responsive to the clarified request is the subject of prior rulings by this office. We have considered your arguments.

You inform us, and the clarified request likewise indicates, that some of the requested information is the subject of Open Records Letter No. 2006-03070. You do not indicate that there has been any change in the law, facts, and circumstances on which that ruling is based. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)). Therefore, to the extent that Open Records Letter No. 2006-03070 encompasses the information that is responsive to the clarified request, the college must release or withhold all such information in accordance with the previous ruling.

You also assert that the clarified request is redundant of previous requests that the college received from this requestor. Section 552.232 of the Government Code, "Responding to Repetitious or Redundant Requests," provides in relevant part:

> (a) A governmental body that determines that a requestor has made a request for information for which the governmental body has previously furnished copies to the requestor or made copies available to the requestor on payment of applicable charges under Subchapter F, shall respond to the request, in relation to the information for which copies have been already furnished or made available, in accordance with this section[.]
>
> (b) The governmental body shall certify to the requestor that copies of all or part of the requested information, as applicable, were previously furnished to the requestor or made available to the requestor on payment of applicable charges under Subchapter F. The certification must include:
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> > (1) a description of the information for which copies have been previously furnished or made available to the requestor;
> >
> > (2) the date that the governmental body received the requestor's original request for that information;
> >
> > (3) the date that the governmental body previously furnished copies of or made available copies of the information to the requestor;
> >
> > (4) a certification that no subsequent additions, deletions, or corrections have been made to that information; and
> >
> > (5) the name, title, and signature of the officer for public information or the officer's agent making the certification.

Gov't Code § 552.232(a)-(b). You represent to this office that the rest of the requested information was the subject of requests that the college received from this requestor on February 21, 2005, March 11, 2005, and April 10, 2005. You indicate that, pursuant to rulings issued by this office, the information that was encompassed by the previous requests was made available to the requestor. You also indicate that no additions, deletions, or corrections have been made to that information. Based on your representations, we conclude that upon provision to the requestor of the certification required by section 552.232 of the Government Code, the college need not again provide the requestor with any information that was made available to him in response to his previous requests.

In summary: (1) to the extent that Open Records Letter No. 2006-03070 encompasses information that is responsive to the clarified request, the college must release or withhold all such information in accordance with the previous ruling; and (2) upon provision to the requestor of the certification required by section 552.232 of the Government Code, the college need not again provide the requestor with any information that was made available to him in response to his previous requests.[2]

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll

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[2]As we are able to make these determinations, we need not address your other arguments against disclosure.

free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/sdk

Ref: ID# 254561

c: Mr. Steve Gaylord
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Valley View, Texas 76272