



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 14, 2009

Ms. Cheryl K. Byles
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102

OR2009-00596

Dear Ms. Byles:

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# 332089 (Fort Worth Request # 0255-09).

The City of Fort Worth (the "city") received a request for three categories of information concerning a former city council member. You state that you have released some of the requested information. You claim that the submitted information is excepted from disclosure under section 552.107 of the Government Code.¹ You have also notified the former council member of the request for information and of her right to submit comments to this office. *See Gov't Code* § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

We note that the submitted information was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2008-17284 (2008). In ORL 2008-17284, we ruled that the submitted information may be withheld under section 552.107 of the Government Code. You do not indicate that there has been any change in the law, facts, and

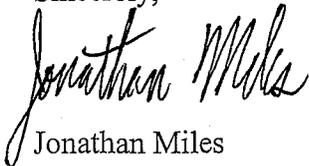
¹While you raise section 552.101 of the Government Code, you have not submitted arguments explaining how this exception applies to the submitted information. Therefore, we presume you have withdrawn this exception. We also note that this office has concluded that section 552.101 does not encompass discovery privileges. *See Open Records Decision Nos. 676 at 1-2 (2002), 575 at 2 (1990).*

circumstances on which the previous ruling is based. We therefore conclude that the city may withhold the submitted information in accordance with Open Records Letter No. 2008-17284.² *See id.* § 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)).

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/cc

Ref: ID# 332089

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we do not address your arguments against disclosure.