



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 15, 2009

Mr. Miguel A. Saldana
Walsh, Anderson, Brown, Aldridge & Gallegos P.C.
103 East Price Road, Suite A
Brownsville, Texas 78521

OR2009-04958

Dear Mr. Saldana:

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# 340146 (PIR#s 4910 & 4911).

The Brownsville Independent School District (the "district"), which you represent, received two requests from the same requestor for investigation reports pertaining to a named district employee. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.111, and 552.116 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You indicate that the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-03873 (2009). In the prior ruling, this office determined that if the employee at issue timely elected to keep his personal information confidential, the district must withhold the information we have marked under section 552.117(a)(1) of the Government Code, and release the remaining submitted information. We have no indication that the law, facts, and circumstances on which the prior ruling was based have changed. Therefore, the district must continue to rely on Open Records Letter No. 2009-03873 as a previous determination and withhold or release the requested information in accordance with the prior 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 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 do not address your arguments against 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.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,



Paige Savoie
Assistant Attorney General
Open Records Division

PS/eeg

Ref: ID# 340146

Enc. Submitted documents

cc: Requestor
(w/o enclosures)