



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 10, 2009

Ms. Neera Chatterjee  
The University of Texas System  
Office of the General Counsel  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2009-07960

Dear Ms. Chatterjee:

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# 345551 (OGC #: 118837).

The University of Texas Health Science Center at Houston (the "university") received a request for all records in the possession of a named university employee, except e-mails sent by or to the requestor, from January 1, 2004 to March 23, 2009 regarding the requestor. You state the university has provided some of the requested information to the requestor. You claim the remaining requested information is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup> We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information).

You inform us that the requested information was the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2009-06163 (2009), 2009-06185 (2009), and 2009-06197 (2009). In those rulings, we concluded that the

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 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 those records contain substantially different types of information than that submitted to this office.

university may withhold the requested information under section 552.107 of the Government Code. You indicate that the representative sample of documents you have submitted to our office consists of documents previously submitted for each of these prior rulings. We conclude that, as we have no indication that the law, facts and circumstances on which the prior rulings were based have changed, the university may continue to rely on these rulings as previous determinations and withhold the requested information in accordance with Open Records Letter Nos. 2009-06163, 2009-06185, and 2009-06197. *See* Open Records Decision No. 673 (2001) (so long as law, facts, 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). As our ruling is dispositive, we need not address your argument 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](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,



Christina Alvarado  
Assistant Attorney General  
Open Records Division

CA/rl

Ref: ID# 345551

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)