



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 27, 2009

Ms. Camila Kunau
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2009-15263

Dear Ms. Kunau:

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# 364157 (COSA File # 09-1235).

The City of San Antonio (the "city") received a request for all complaints made against the VFW Post located at 2222 Austin Highway. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You inform us that the submitted complaint was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-03205 (2009). In Open Records Letter No. 2009-03205, we ruled that the city may withhold the identities of the complainants, which we marked, pursuant to section 552.101 of the Government Code in conjunction with the common-law informer's privilege, which Texas courts have long recognized. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). You state that no law, facts, or circumstances have changed since the issuance of the prior ruling. Thus, the city may continue to rely on that ruling as a previous determination and withhold the complainants identities in accordance with Open Records Letter No. 2009-03205. *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).

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, toll free at (888) 672-6787.

Sincerely,



Lauren J. Holmsley
Assistant Attorney General
Open Records Division

LJH/sdk

Ref: ID# 364157

Enc. Submitted documents

c: Requestor
(w/o enclosures)