



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 5, 2013

Ms. Halfreda Anderson-Nelson
Senior Assistant General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR2013-13483

Dear Ms. Anderson-Nelson:

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# 495234 (DART ORR Nos. 9909 and 9911).

Dallas Area Rapid Transit ("DART") received a request for certain laboratory reports and data packages and all written notes, checklists, comments, and quantitative values of certain tests. DART received a second request for certain medical transcripts, a specified decision report, and certain audio and video recordings. You state DART does not have information responsive to portions of the requests.¹ You claim 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 the submitted information was the subject of previous requests for information, in response to which this office issued Open Records Letter No. 2013-12182 (2013). In that decision, we ruled the submitted information was excepted from disclosure under section 552.101 of the Government Code in conjunction with the Medical Practice Act. As we have no indication that the law, facts, or circumstances on which the prior ruling was based have changed, DART must continue to rely on that ruling as a previous

¹We note the Act does not require a governmental body to disclose information that did not exist at the time the request was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986).

determination and continue to withhold or release the submitted information in accordance with that decision. *See* Open Records Decision No. 673 (2001) (governmental body may rely on previous determination when records or information at issue are precisely same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D); governmental body which received request for records or information is same governmental body that previously requested and received ruling from attorney general; prior ruling concluded that precise records or information are or are not excepted from disclosure under Act; and law, facts, and circumstances on which prior ruling was based have not changed since issuance of ruling). As we are able to make this determination, we do not address your submitted arguments.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/tch

Ref: ID# 495234

Enc. Submitted documents

c: Two Requestors
(w/o enclosures)