



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 21, 2013

Ms. Zeena Angadicheril
Office of General Counsel
The University of Texas
201 West Seventh Street
Austin, Texas 78701-2902

OR2013-20326

Dear Ms. Angadicheril:

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# 504959 (OGC No. 151524).

The University of Texas Southwestern Medical Center (the "university") received a request for (1) policies and procedures adopted in connection with a specified brief to the attorney general seeking to withhold information pertaining to a named university physician, (2) final forms of documents referred to in the specified brief, and (3) the latest versions of draft documents referred to in the specified brief that have remained un-finalized for six months or longer. You indicate you do not possess information responsive to categories one and three.¹ You claim some of the submitted information is not subject to the Act. Additionally, and in the alternative, you argue the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information. We have also received and considered comments from the Texas Medical Board (the "TMB"). See Gov't Code § 552.304 (interested party may submit written comments concerning disclosure of requested information).

You inform us the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-17477A (2013). As we have no indication the law, facts, and circumstances upon which the previous ruling was based have changed, we find the university must continue to rely on our ruling in

¹We note the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986).

Open Records Letter No. 2013-17477A as a previous determination and withhold or release the submitted information in accordance with that decision. *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 need 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.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,



Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/eb

Ref: ID# 504959

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Sarah Tuthill
Texas Medical Board
PO Box 2018
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(w/o enclosures)