



February 3, 2015

Ms. Heather Silver
Assistant City Attorney
City of Dallas
1500 Marilla Street, Room 7DN
Dallas, Texas 75201

OR2015-02108

Dear Ms. Silver:

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# 550632.

The City of Dallas (the "city") received a request for all e-mails sent during a specified time period involving two named individuals that pertain to the care of a specified animal. You state the city is making some of the requested information available. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Initially, we note some of the submitted information is not responsive to the request for information because it does not consist of an e-mail involving either of the named individuals or does not pertain to the care of the specified animal. Further, the requestor excludes certain types of information from the scope of the request, including non-city e-mail addresses. Accordingly, these types of information are not responsive to the request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the city is not required to release such information in response to this request.

¹We 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.

Next, we note some of the responsive information may have been the subject of previous requests for information, as a result of which this office issued Open Records Letter Nos. 2014-23179 (2014), 2014-23242 (2014), 2015-00030 (2015), 2015-01171 (2015), 2015-01224 (2015), 2015-01234 (2015), 2015-01235 (2015), 2015-01240 (2015), 2015-01354 (2015), and 2015-01904 (2015). We understand there has been no change in the law, facts, or circumstances on which the previous rulings were based. Accordingly, to the extent the submitted information is identical to the information previously requested and ruled upon by this office in Open Records Letter Nos. 2014-23179 (2014), 2014-23242 (2014), 2015-00030 (2015), 2015-01171 (2015), 2015-01224 (2015), 2015-01234 (2015), 2015-01235 (2015), 2015-01240 (2015), 2015-01354 (2015), or 2015-01904 (2015), the city must rely on such prior rulings as previous determinations and withhold or release the identical information in accordance with those rulings. *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). However, to the extent any of the responsive information was not at issue in any of the prior rulings, we will address the city's arguments against disclosure of that information.

Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information other statutes make confidential, such as section 81.046(b) of the Health and Safety Code, which provides:

(b) Reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information under [the Act], and may not be released or made public on subpoena or otherwise except as provided by Subsections (c), (d), and (f).

Health & Safety Code § 81.046(b). Upon review, we find the responsive information relates to cases or suspected cases of Ebola; thus, section 81.046 governs the release of the information at issue. We understand none of the release provisions of section 81.046 are applicable. Accordingly, we conclude the city must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 81.046(b) of the Health and Safety Code.²

In summary, to the extent the submitted information is identical to the information previously requested and ruled upon by this office in Open Records Letter Nos. 2014-23179 (2014), 2014-23242 (2014), 2015-00030 (2015), 2015-01171 (2015), 2015-01224 (2015), 2015-01234 (2015), 2015-01235 (2015), 2015-01240 (2015), 2015-01354 (2015), or 2015-

²As our ruling is dispositive for this information, we need not address your remaining argument against its disclosure.

01904 (2015), the city must rely on such prior rulings as previous determinations and withhold or release the identical information in accordance with those rulings. To the extent any of the responsive information is not encompassed by any of the prior rulings, the city must withhold such information under section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety Code.

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,



David Wheelus
Assistant Attorney General
Open Records Division

DLW/cbz

Ref: ID# 550632

Enc. Submitted documents

c: Requestor
(w/o enclosures)