



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 28, 2015

Ms. Lauren F. Crawford
First Assistant City Attorney
City of Bryan
P.O. Box 1000
Bryan, Texas 77805-1000

OR2015-08185

Dear Ms. Crawford:

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# 561774.

The City of Bryan (the "city") received a request for the city's business professional ladder guidelines. You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2015-00501 (2015). In Open Records Letter No. 2015-00501, we concluded the city may withhold the submitted information under section 552.103 of the Government Code. The requestor asserts the circumstances have changed because the city released the information at issue to the Equal Employment Opportunity Commission, and, thus, has released the information at issue to the opposing party in the litigation. However, the city informs us the information at issue has not been released to the opposing party in litigation, and, therefore, the law, facts, and circumstances on which the prior ruling was based have not changed. Whether the circumstances at issue have changed is a question of fact. Open Records Decision Nos. 592 at 2 (1991), 552 at 4 (1990), 435 at 4 (1986). This office is unable to resolve disputes of fact in the open records ruling process. Accordingly, we must rely upon the facts alleged to us by the governmental body requesting our opinion, or upon those facts that are discernable

from the documents submitted for our inspection. *See* ORD 552 at 4. Based on the city's representation and our review, we find the law, facts, and circumstances on which the prior ruling was based have not changed. Accordingly, the city may continue to rely on Open Records Letter No. 2015-00501 as a previous determination and withhold the submitted information in accordance with that ruling. *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 information is or is not excepted from disclosure).¹

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/cbz

Ref: ID# 561774

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your argument against disclosure of the submitted information.