



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 4, 2015

Ms. Sarah Knippa
Records Coordinator
Travis Central Appraisal District
P.O. Box 149012
Austin, Texas 78714

OR2015-25437

Dear Ms. Knippa:

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# 589310 (PIR Nos. 11326, 11327).

The Travis Central Appraisal District (the "district") received two requests for (1) six categories of information pertaining to efforts regarding the passage of legislation, including Senate Bill 1084, during the 84th regular session of the Texas Legislature and (2) all correspondence between two named employees and any lobbyist working for the district and any officer, employee, attorney, or lobbyist for the Texas Association of Appraisal Districts over a specified time period. You claim the submitted information is excepted from disclosure under sections 552.103, 552.106, 552.107, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You inform this office that the submitted information was the subject of two previous requests for information, as a result of which this office issued Open Records Letter Nos. 2015-14018 (2015) and 2015-14025 (2015). You assert that because the requestor did not respond to the cost estimates you provided to the requestor pertaining to information we ordered released in Open Records Letter Nos. 2015-14018 and 2015-14025, the prior requests have been withdrawn by operation of law pursuant to section 552.225 of the Government Code. However, this does not constitute a change in the law, facts, and circumstances on which the previous rulings are based. *See* Open Records Decision No. 673

at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

In Open Records Letter No. 2015-14018, we ruled the district (1) may withhold the information we marked under sections 552.106(a) and 552.111 of the Government Code; (2) must withhold the information we marked under section 552.101 of the Government Code in conjunction with common-law privacy; (3) must withhold the personal e-mail addresses we marked under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure; and (4) must release the remaining information. In Open Records Letter No. 2015-14025, we ruled the district (1) must continue to rely on Open Records Letter No. 2015-14018 as a previous determination and withhold or release the information we marked in accordance with that ruling; (2) must withhold the personal e-mail addresses we marked under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure or subsection (c) applies; and (3) must release the remaining information. Section 552.007 of the Government Code provides if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold such information from further disclosure unless its public release is expressly prohibited by law or the information is confidential by law. *See* Open Records Decision No. 518 at 3 (1989); *see also* Open Records Decision No. 400 (1983) (governmental body may waive right to claim permissive exceptions to disclosure under the Act, but it may not disclose information made confidential by law). Accordingly, pursuant to section 552.007, the district may not now withhold any information we previously ordered to be released unless its release is expressly prohibited by law or the information is confidential under law. Although you claim portions of the submitted information are excepted from disclosure under sections 552.103, 552.106, 552.107, and 552.111 of the Government Code, these sections do not prohibit the release of information or make information confidential. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision Nos. 677 at 8-10 (2002) (attorney work product privilege under section 552.111 and rule 192.5 may be waived), 676 at 10-11 (2002) (attorney-client privilege under section 552.107(1) and rule 503 may be waived), 665 at 2 n.5 (2000) (discretionary exceptions generally). Thus, the district may not now withhold information this office ordered to be released under section 552.103, section 552.106, section 552.107, or section 552.111. Furthermore, we have no indication there has been any change in the law, facts, or circumstances on which the previous rulings were based. We therefore conclude the district must continue to rely on Open Records Letter Nos. 2015-14018 and 2015-14025 as previous determinations and withhold or release the submitted information in accordance with those decisions. *See* ORD 673 (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 our ruling is dispositive, we need not consider 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,

A handwritten signature in black ink that reads "Abigail T. Adams". The signature is written in a cursive, flowing style.

Abigail T. Adams
Assistant Attorney General
Open Records Division

ATA/akg

Ref: ID# 589310

Enc. Submitted documents

c: Requestor
(w/o enclosures)