



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 14, 2016

Mr. Brett Norbraten
Open Records Attorney
Texas Department of Aging and Disability Services
Mail Code W-615
P.O. Box 149030
Austin, Texas 78714-9030

OR2016-01156

Dear Mr. Norbraten:

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# 595207 (PIR# 2015SOLEG0177).

The Texas Department of Aging and Disability Services (the "department") received a request for specified records pertaining to two specified requests for proposals. Although you take no position as to whether the submitted information is excepted from disclosure under the Act, you state release of this information may implicate the proprietary interests of Donald L. Mooney Enterprises, LLC d/b/a Nurses Etc. Staffing ("Nurses") and LocumTenens.com ("LocumTenens"). Accordingly, you state, and provide documentation showing, you notified Nurses and LocumTenens of the request for information and of their right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

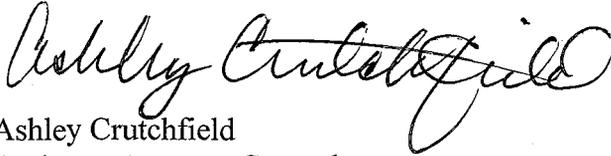
We note the information at issue was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2015-24519 (2015). In that ruling, we determined the department must release the submitted information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the department must continue to rely on Open Records Letter No. 2015-24519 as a previous determination and release the information at issue 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 a prior attorney

general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from 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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/dls

Ref: ID# 595207

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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