



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 5, 2016

Ms. Leah Wingerson
Coordinator of Legal Services
Lewisville Independent School District
P.O. Box 217
Lewisville, Texas 75067

OR2016-07634

Dear Ms. Wingerson:

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# 604377.

The Lewisville Independent School District (the "district") received a request for information pertaining to a specified contract. The district informs us it does not have some of the requested information.¹ The district states it will withhold information in accordance with section 552.136 of the Government Code.² The district also states it will make some of the requested information available to the requestor. The district does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, the district states, and provides documentation showing, it notified Satterfield & Pontikes Construction, Inc. ("Satterfield") of the district's receipt of the request for information and of Satterfield's right to submit arguments to this office as to why the requested information should not be released. *See Gov't Code* § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to

¹The Act does not require a governmental body to disclose information that did not exist when the request for information was received. *See generally Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed).

²Section 552.136 of the Government Code permits a governmental body to withhold the information described in section 552.136(b) without the necessity of seeking a decision from this office. *See Gov't Code* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e).

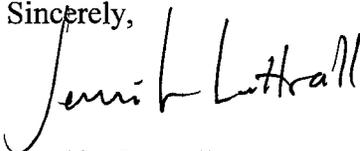
rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

Initially, 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. 2016-02830 (2016). In that ruling, we concluded the district must release the submitted information, as the district did not receive any comments from Satterfield. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the district may continue to rely on Open Records Letter No. 2016-02830 as a previous determination and release 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 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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/akg

Ref: ID# 604377

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Denis Ducran
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11000 Equity Drive, Suite 100
Houston, Texas 77041
(w/o enclosures)