



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 25, 2016

Mr. George H. Nelson
Chief Defender
Lubbock Private Defenders' Office
1504 Main Street
Lubbock, Texas 79401

OR2016-12028

Dear Mr. Nelson:

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# 611498.

The Lubbock Private Defenders' Office (the "defenders' office") received three requests from the same requestor for all documents related to income and expenses of the defenders' office and a specified division within the defenders' office over a specified time period. You state the defenders' office is an agent of the judiciary and, thus, not subject to the Act. In the alternative, you claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code and privileged under rule 503 of the Texas Rules of Evidence, rule 192.5 of the Texas Rules of Civil Procedure, and rule 1.05 of the Disciplinary Rules of Professional Conduct. We have considered the raised arguments and reviewed the submitted representative sample of information.¹

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. 2016-11994 (2016). In that

¹This letter ruling assumes the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize the withholding of, any other requested information to the extent that the other information is substantially different than that submitted to this office. *See* Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

ruling, we concluded the information at issue does not consist of records of the judiciary and is subject to the Act, and the defenders' office 1) may withhold the information we marked under rule 503 of the Texas Rules of Evidence, 2) must withhold the information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy, and 3) must release the remaining information. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the defenders' office must continue to rely on Open Records Letter No. 2016-11994 as a previous determination and withhold or 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). As we able to make this determination, we need not address the defenders' office's 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, appearing to read 'JTB' with a long horizontal stroke extending to the right.

Joseph Behrke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 611498

Enc. Submitted documents

c: Requestor
(w/o enclosures)