



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 29, 1998

Mr. Tenley Aldredge
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR98-1795

Dear Mr. Aldredge:

You have submitted to this office information that you say was at issue in a prior ruling of this office, Open Records Letter No. 98-1265 (1998). That letter ruling determined that Travis County (the "county") may withhold portions of the requested information based on sections 552.101, 552.107(1) and 552.111 of the Government Code. You have returned the information the county had submitted in the prior ruling as a representative sample of the requested information and state "[w]e were unable to determine what methodology you used in highlighting the material in Exhibits B through D." You have submitted additional information that you say is at issue and now ask that this office "review these records to except information" under the exceptions the county cited in its original letter to this office requesting a decision. You also ask that this office notify Mr. Roger Martinez, the Absent Student Assistant Program Coordinator of the Travis County Criminal Justice and Planning Department, when we have completed our review and return the records to Mr. Martinez. Your request was assigned ID# 117516.

As both Open Records Letter No. 98-1265 (1998) and the March 16, 1998 letter from Ms. Tamara Armstrong, Assistant County Attorney, indicate, the highlighting on the information the county submitted to this office was that of the county. We cannot explain the methodology used by the county in so highlighting.

In its original request for an open records decision, the county submitted records as a representative sample of the requested information and marked with a highlighter the portions of the information for which it asserted an exception, stating which exception applied to which portion and explaining why the exception applied. You have now submitted numerous documents to this office and ask that this office determine the applicability of the exceptions raised in county's original letter to this office. This office cannot decide which exceptions the county seeks to raise for the newly submitted information. The prior decision determined that the county may withhold portions of the sample documents based on the county's markings and arguments in its original letter to this office.

In this case, you now submit the remaining information at issue. You have not marked the information or indicated which exceptions apply to which information or explained the applicability of an exception to a particular document. We therefore conclude that the county may withhold the submitted information from disclosure to the extent that the newly submitted information is substantially similar to the sample documents previously submitted to this office.¹ Gov't Code § 552.301(b)(1), (b)(4); *see* Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted); *see also* Open Records Decision Nos. 542 (1990), 419 (1984). To the extent the submitted information is dissimilar to the previously submitted information, the county must release the information.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Deputy Chief
Open Records Division

KHH/mjc

Ref: ID# 117516

Enclosures: Submitted documents

cc: Mr. Steve Lane
Texas Best Seminars
P.O. Box 1689
Marble Falls, Texas 78654
(w/o enclosures)

¹For claims under sections 552.107(1) and 552.111, however, we generally do not believe that the submission of representative samples will suffice; in most requests in which these exceptions are raised, individual determinations are required.