



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

November 1, 2006

Mr. James M. Frazier III  
Assistant General Counsel  
Texas Department of Criminal Justice  
Office of the General Counsel  
P. O. Box 4004  
Huntsville, Texas 77342-4004

OR2006-12933

Dear Mr. Frazier:

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# 262208.

The Texas Department of Criminal Justice (the "department") received a request for the following information: (1) names and dates of birth of all parole officers currently monitoring sex offenders; and (2) a list, organized by parole officer, of all current sex offenders requiring highest-level monitoring, including the offenders' names, addresses, and offense history. You inform us that the department has made available to the requestor a "database of sexual offender releasees and a database of parole officers who supervise sex offenders." You claim that the requested criminal history information is excepted from disclosure under section 552.101 of the Government Code.

You inform us that the responsive criminal history was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2006-11685 (2006) on October 6, 2006. You do not indicate that there has been any change in the law, facts, or circumstances on which this prior ruling was based. We therefore conclude that the department must continue to rely on our decision in Open Records Letter No. 2006-11685

with respect to the information that was subject to that ruling.<sup>1</sup> See Gov't Code § 552.301(f); Open Records Decision No. 673 (2001) (setting forth the four criteria for a "previous determination"). Thus, the department must withhold some of the requested information under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code. However, the department must release the information subject to article 62.005 of the Code of Criminal Procedure. As we reach this conclusion, we need not address your remaining arguments against disclosure.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental

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<sup>1</sup>The four criteria for this type of "previous determination" are 1) the records or information at issue are precisely the same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D) of the Government Code; 2) the governmental body which received the request for the records or information is the same governmental body that previously requested and received a ruling from the attorney general; 3) the attorney general's prior ruling concluded that the precise records or information are or are not excepted from disclosure under the Act; and 4) the law, facts, and circumstances on which the prior attorney general ruling was based have not changed since the issuance of the ruling. See Open Records Decision No. 673 (2001).

body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Jaime L. Flores  
Assistant Attorney General  
Open Records Division

JLF/eb

Ref: ID# 262208

Enc. Submitted documents

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