



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 12, 2007

Ms. Noelle C. Letteri
Legal Services Division
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873

OR2007-04111

Dear Ms. Letteri:

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# 275697.

The Texas Veterans Land Board (the "board") received four requests for information identifying veterans living in certain Texas counties. You state that some of the requested information has been released, but claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

This office recently issued Open Records Letter No. 2007-03370 (2007), which serves as a previous determination under section 552.301(a) of the Government Code for the board that: (1) the names and addresses of veterans obtained by the board from the VA and the Army National Guard for purposes directly connected with the conduct of programs and the utilization of benefits under title 38 of the United States Code are excepted from disclosure under section 552.101 of the Government Code in conjunction section 5701 of title 38 of the United States Code; and (2) the names of and addresses of veterans, but not their zip codes, obtained by the board from the Texas Department of Transportation for use in carrying out governmental functions are excepted from disclosure under section 552.101 of the Government Code in conjunction with sections 730.004 and 730.013 of the Transportation Code. Therefore, pursuant to that previous determination, the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with

section 5701 of title 38 of the United States Code and sections 730.004 and 730.013 of the Transportation Code. *See* Open Records Decision No. 673 (2001) (delineating circumstances under which attorney general decision constitutes previous determination under section 552.301 of the Government Code).

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).

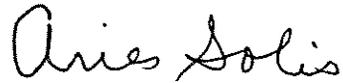
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

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,



Aries Solis
Assistant Attorney General
Open Records Division

AS/eeg

Ref: ID# 275697

Enc. Submitted documents

c: Ms. Nadelyn Fox
Loan Consultant
Allied Home Mortgage Capital Corporation
6800 West Loop South Suite 415
Bellaire, Texas 77401
(w/o enclosures)

Ms. Karen B. Smith
Real Estate Consultant
Keller Williams Realty North
8300 FM 1960 West Suite 310
Houston, Texas 77070
(w/o enclosures)

Mr. Steve Thompson
1500 Norwood Drive Suite 400
Hurst, Texas 76054
(w/o enclosures)

Mr. John E. Williams
2302 Evergreen Drive
Pearland, Texas 77581
(w/o enclosures)