



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 30, 2009

Ms. Hyattye O. Simmons
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR2009-01232

Dear Ms. Simmons:

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# 334739.

Dallas Area Rapid Transit ("DART") received a request for the applications of two specific applicants for a specific DART job posting. You claim that the submitted information is subject to a previous determination issued by this office and, alternatively, is excepted from disclosure under sections 552.103, 552.117, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You note, and our review confirms, that the precise information at issue was the subject of a previous request received by DART, as a result of which this office issued Open Records Letter No. 2008-16045 (2008). You do not indicate that there has been any change in the law, facts, or circumstances on which the previous ruling was based. We therefore conclude that DART must treat the submitted information in accordance with Open Records Letter No. 2008-16045 (2008).¹ See Open Records Decision No. 673 (2001) (determining that governmental body may rely on previous determination when records or information at issue are precisely same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D); governmental body which received request for records or information is same governmental body that previously requested and received ruling from

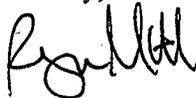
¹As we are able to make this determination, we do not address your arguments against disclosure.

attorney general; prior ruling concluded that precise records or information are or are not excepted from disclosure under Act; and law, facts, and circumstances on which prior ruling was based have not changed since issuance of ruling).

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Ryan T. Mitchell
Assistant Attorney General
Open Records Division

RTM/jb

Ref: ID# 334739

Enc. Submitted documents

cc: Requestor
(w/o enclosures)