



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 20, 2009

Mr. Terry Jacobson  
Jacobson Law Firm  
733 West Second Avenue  
Corsicana, Texas 75110

OR2009-06897

Dear Mr. Jacobson:

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# 346435.

The City of Corsicana (the "city"), which you represent, received a request for five categories of information relating to the closed executive session of the March 18, 2008 City Council meeting. You state that you have released all of the responsive records with the exception of the tape of the closed executive session. You claim that the information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim.

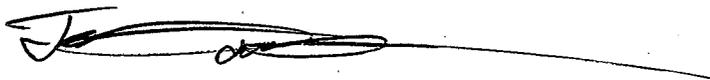
You inform us that the tape of the closed executive session was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2008-09503 (2008). In that ruling, we concluded that the city must withhold the executive session tape recording under section 552.101 in conjunction with section 551.104 of the Government Code. As we have no indication that the law, facts, and circumstances on which the prior ruling was based have changed, the city must continue to rely on that ruling as a previous determination and withhold the executive session tape recording in accordance with Open Records Letter No. 2008-09503. *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).

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](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,

A handwritten signature in black ink, appearing to read 'Travis Tidmore', with a long horizontal line extending to the right.

Travis Tidmore  
Assistant Attorney General  
Open Records Division

TT/sdk

Ref: ID# 346435

c: Requestor