



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 21, 2009

Ms. Pauline E. Higgins
Sr. Vice President & General Counsel
Metropolitan Transit Authority
P.O. Box 61429
Houston, Texas 77208-1429

OR2009-13274

Dear Ms. Higgins:

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# 355743 (METRO Request No. 2009-0209).

The Metropolitan Transit Authority ("METRO") received a request for METRO's response to the FTA's Civil Rights Division regarding an ongoing Title VI compliance review. You claim the submitted information is excepted from disclosure under section 552.111 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You inform us the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-11573 (2009). In that ruling, we ruled METRO may withhold portions of the requested information under section 552.111 of the Government Code. You do not indicate there has been a change in the law, facts, and circumstances on which the previous ruling is based. We therefore conclude METRO may continue to rely on Open Records Letter No. 2009-11573 as a previous determination and withhold or release the requested information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, 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). As our ruling is dispositive, we need not address your argument against disclosure of the requested information.

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, toll free, at (888) 672-6787.

Sincerely,



Karen E. Stack
Assistant Attorney General
Open Records Division

KES/dls

Ref: ID# 355743

Enc. Submitted documents

c: Requestor
(w/o enclosures)