



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

March 23, 2010

Mr. Leonard V. Schneider
Ross, Banks, May, Cron & Cavin, P.C.
2 Riverway, Suite 700
Houston, Texas 77056-1918

OR2010-04095

Dear Mr. Schneider:

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# 373448.

The City of Magnolia (the "city"), which you represent, received a request all e-mails sent and received by six named named city officials and employees during a specified time period. You state that you will release some information to the requestor. You claim that some of the submitted information is excepted from disclosure under section 552.107 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information, which we have marked, is not responsive to the instant request because it does not involve any of the named city officials and employees. The city need not release nonresponsive information in response to this request, and this ruling will not address that information.

You assert, and we agree, that the information you seek to withhold, which you have marked, was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2010-03670 (2010). In that ruling, we concluded, among other things, that the city may withhold the information at issue under section 552.107 of the

¹Although you initially raised sections 552.101, 552.103, 552.106, and 552.111 of the Government Code, and claimed rule 503 of the Texas Rules of Evidence apply, you have not submitted any arguments regarding the applicability of these exceptions and rules nor have you identified any information you seek to withhold under these arguments. Therefore, we assume you no longer assert these arguments to disclosure. See Gov't Code §§ 552.301, .302.

Government Code, with the exception of the information we marked for release. As we have ~~no indication the law, facts, and circumstances on which the prior ruling was based have~~ changed, the city may continue to rely on that ruling as a previous determination and withhold or release the identical information at issue in Open Records Letter No. 2010-03670 in accordance with that ruling. *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).² As you raise no exceptions to disclosure for the remaining responsive information, it must be released.

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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/dls

Ref: ID# 373448

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we need not address your argument against disclosure.