



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 12, 2010

Ms. Charlotte A. Towe  
Assistant General Counsel  
TDCJ - Office of the General Counsel  
P. O. Box 4004  
Huntsville, Texas 77342-4004

OR2010-05095

Dear Ms. Towe:

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# 376054.

The Texas Department of Criminal Justice (the "department") received a request for information related to the requestor's application and interview for two specified postings of the same position. You state that some responsive information has been or will be released. You claim that portions of the submitted information are excepted from disclosure under section 552.122 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note that the submitted information is the subject of a previous ruling issued by this office. *See* Open Records Letter No. 2010-01619 (2010). In that ruling, we concluded that the department may withhold the Administrative Assistant interview questions one, four, five and six, along with the recommended and actual answers to these questions, under section 552.122 of the Government Code. We further ruled that the remaining questions and the applicant's closing remarks must be released. We understand that the pertinent facts and circumstances have not changed since the issuance of that prior ruling. Thus, we determine that the department must continue to rely on our ruling in Open Records Letter No. 2010-01619 as a previous determination and withhold or release the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (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

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). As we are able to make this determination, we do not address your argument.

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

Sincerely,



Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/dls

Ref: ID# 376054

Enc. Submitted documents

c: Requestor  
(w/o enclosures)