



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 23, 2010

Ms. Nneka C. Egbuniwe
Deputy General Counsel
Parkland Health and Hospital System
5201 Harry Hines Boulevard
Dallas, Texas 75235

OR2010-11020

Dear Ms. Egbuniwe:

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# 387799.

The Dallas County Hospital District d/b/a Parkland Health and Hospital System (the "district") received a request for the names, titles held, positions held, official duties, dates of employment, and salary information of all medical staff members of the district's Physical Medicine and Rehabilitation Department ("PM&R") from 2003 to the present. You state the district does not have any information responsive to the request for salary information.¹ You claim that the requested information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

¹We note the Act does not require a governmental body to disclose information that did not exist at the time the request was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Attorney General Opinion H-90 (1973); Open Records Decision Nos. 452 at 2-3 (1986), 342 at 3 (1982), 87 (1975); see also Open Records Decision Nos. 572 at 1 (1990), 555 at 1-2 (1990), 416 at 5 (1984).

We first address your assertion that the instant request for information is redundant of other recent requests made to the district by this requestor and others. Generally, section 552.232 of the Government Code outlines the procedures a governmental body must follow in responding to a repetitious or redundant request *from the same requestor*. *Id.* § 552.232. Upon review, we note that in this instance the majority of the requested information is not precisely the same information that was previously requested and released in response to related requests. Additionally, although you provide documentation showing that a portion of the information at issue in the current request was previously requested, we note that the present requestor is not the same individual that previously requested the information at issue from the district. Accordingly, you have failed to establish that this is a repetitious or redundant request for purposes of the Act.

Next, we note you have not submitted for our review information responsive to the request for the official duties of all medical staff members of the district's PM&R from 2003 to the present. Thus, to the extent information responsive to this portion of the request existed when the present request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

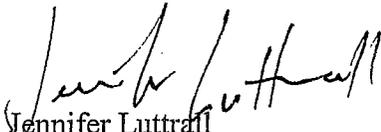
Finally, we note the submitted information was the subject of two previous requests for information, in response to which this office issued Open Records Letter No. 2010-09585 (2010) and 2010-10240 (2010). In those rulings, we concluded the district must release the information at issue. As we have no indication the law, facts, and circumstances on which the prior rulings were based have changed, the district must continue to rely on Open Records Letter Nos. 2010-09585 and 2010-10240 as previous determinations and release the submitted information in accordance with those rulings. *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). As we are able to make this determination, we do not address your argument against disclosure of the submitted 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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/dls

Ref: ID# 387799

Enc. Submitted documents

c: Requestor
(w/o enclosures)