



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 21, 2010

Mr. Warren M. S. Ernst
Chief of the General Counsel Division
City of Dallas
1500 Marilla Street, Room 7BN
Dallas, Texas 75201

OR2010-14302

Dear Mr. Ernst:

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# 394202.

The City of Dallas (the "city") received two requests from the same requestor for a specified harassment complaint filed with the city's human resources department and the city's response, as well as the related harassment complaint filed with the Equal Employment Opportunity Commission and the city's response.¹ You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2010-13923 (2010). In that ruling, we concluded in part the city must release the summary of the investigation of alleged sexual harassment and the statements of the person accused of sexual harassment, but must withhold the identity of the victim and the witnesses and the rest of the submitted information under section 552.101 of the Government Code in conjunction with common-law privacy and *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.—El Paso 1992, writ denied). As we have no indication that there has been any change in the law, facts, or

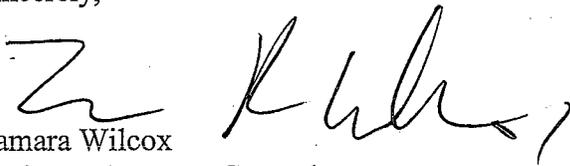
¹We note that the city sought and obtained clarification of these requests. See Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

circumstances on which the previous ruling was based, we conclude the city must continue to rely on Open Records Letter No. 2010-13923 as a previous determination and withhold or release the submitted information 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). As our ruling is dispositive, we need not address your submitted argument against 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, 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,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 394202

Enc. Submitted documents

c: Requestor
(w/o enclosures)