



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 15, 2010

Mr. Mark Adams
Assistant General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR2010-15724

Dear Mr. Adams:

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# 400287.

The Office of the Governor (the "governor") received a request for five categories of information relating to (1) an arson allegedly committed by a named individual; (2) the scientific reliability or accuracy of the investigation of the alleged arson; (3) the basis for terminating any members of the Texas Forensic Science Commission (the "commission") during the Fall of 2009; (4) the decision to cancel the commission meeting on September 30, 2009; and (5) the commission's findings on July 23, 2010 regarding the arson investigation. You state that some of the requested information either has been or will be released. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.107(1), and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

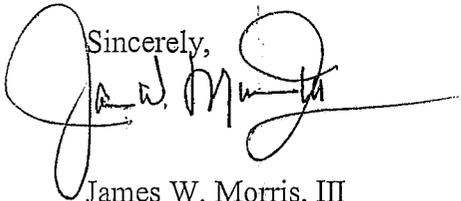
You also inform us that the submitted information was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2009-04633 (2009). In that ruling, we concluded that the governor must withhold some of the information at issue under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code. We also concluded that the governor may withhold the rest of the information at issue under section 552.107(1) of the Government Code. You do not indicate that there has been any change in the law, facts, and circumstances on which the previous

ruling is based. We therefore conclude that the governor may continue to rely on Open Records Letter No. 2009-04633 as a previous determination and withhold the submitted information in accordance with the previous ruling.¹ See Gov't Code § 552.301(a); Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 400287

Enc: Submitted documents

c: Requestor
(w/o enclosures)

¹As we are able to make this determination, we do not address your arguments against disclosure.