



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 10, 2010

Mr. Carey E. Smith
General Counsel
Texas Health and Human Services Commission
P.O. Box 13247
Austin, Texas 78711

OR2010-17076

Dear Mr. Smith:

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# 399781.

The Texas Health and Human Services Commission (the "commission") received a request for an investigation file relating to an employment discrimination complaint. You state that some of the requested information is the subject of a previous open records letter ruling. We have considered your arguments and reviewed the information you submitted. We also have considered the comments we received from the Texas Department of State Health Services ("DSHS").¹ *See* Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for attorney general decision should or should not be released).

We note most of the information at issue consists of interview questions and answers that were the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2010-00895 (2010). In that ruling, we concluded some of the interview questions and the answers to those questions may be withheld from disclosure under section 552.122(b). We are unaware of any change in the law, facts, and circumstances on which the previous ruling is based. We therefore conclude the commission must dispose of the submitted interview questions and answers in accordance with Open

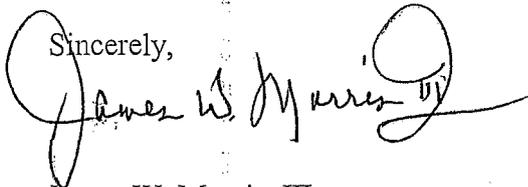
¹We note the commission directly oversees DSHS.

Records Letter No. 2010-00895. *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)). As the commission does not claim an exception to disclosure of the rest of the information at issue, the remaining information 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,



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

JWM/em

Ref: ID# 399781

Enc: Submitted documents

c: Requestor
(w/o enclosures)

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