



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 4, 2011

Ms. Kate Fite
Mr. Justin Gordon
Assistant General Counsels
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR2011-03104

Dear Ms. Fite and Mr. Gordon:

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# 410711.

The Office of the Governor (the "governor") received a request for all communications and documentation relating to the application to the Texas Moving Image Industry Incentive Program for the film "Machete." You state you have released most of the responsive information to the requestor. Although you take no position with respect to the public availability of the submitted information, you state release of this information may implicate the proprietary interests of Troublemaker Studios ("Troublemaker"). You inform us, pursuant to section 552.305 of the Government Code, you have notified Troublemaker of the request and of its right to submit arguments to this office explaining why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have received comments from Troublemaker. We have considered the submitted arguments 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. 2011-02958 (2011). In that ruling, we determined, in part, the governor must withhold Troublemaker's detailed budget information under section 552.110(b) of the Government Code. As we have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the governor must continue to rely on Open Records Letter No. 2011-02958 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 determination is dispositive, we need not address the submitted arguments 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,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 410711

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Troublemaker Studios
c/o Ms. Kate Fite
Mr. Justin Gordon
Assistant General Counsels
Office of the Governor
P.O. Box 12428
Austin, Texas 78711
(w/o enclosures)