



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 4, 2012

Ms. Elaine Nicholson
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2012-00102

Dear Ms. Nicholson:

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# 441234.

The City of Austin (the "city") received a request for a copy of the case file pertaining to a specified address. You claim the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹ We have also received and considered comments submitted by the requestor.² *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

You inform us the information at issue was the subject of a prior request for information from the same requestor. In Open Records Letter Number 2011-14082 (2011), this office ruled that, with the exception of basic information, the city may withhold the information at issue under section 552.108 of the Government Code. At that time, the city stated criminal

¹This letter ruling assumes that the submitted representative sample of information, which the city states is held by its Planning and Development Review Department, is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. *See* Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

²We note both the planning and development review department and the code compliance department are divisions of the city.

charges had been filed with the municipal court regarding the property in question. Currently, you explain the cases have gone to trial and are on appeal. Thus, the cases are still pending, and circumstances have not changed since the prior ruling was issued. Therefore, the city may rely on Open Records Letter Number 2011-14082 as a previous determination and withhold or release the information at issue in reliance upon the prior ruling.³ *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).

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 441234

Enc. Submitted documents

c: Requestor
(w/o enclosures)

³As our ruling is dispositive, we do not address your claim.