



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 11, 2012

Ms. Erin A. Higginbotham
Denton, Navarro, Rocha & Bernal
2500 West William Cannon, Suite 609
Austin, Texas 78745

OR2012-00537

Dear Ms. Higginbotham:

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# 442153 (Reference No. W001055-101911).

The City of Copperas Cove (the "city"), which you represent, received a request for the requestor's personnel file. You state you are making some of the requested information available to the requestor. You claim that the submitted 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.

You inform us the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2011-15794 (2011). In that ruling, we found, in part, the city must withhold some of the information under section 552.101 of the Government Code in conjunction with section 550.065 of the Transportation Code and common-law privacy and release the remaining information. Although you indicate the identity of the requestor in this instance is a change of facts and circumstances which would require the city to withhold information that was previously released, upon review, we find the identity of this requestor does not constitute a change of facts and circumstances in this instance. Thus, we conclude, as we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the city must continue to rely on that ruling as a previous determination and withhold or release the submitted information, which was previously ruled upon, in accordance with Open Records Letter No. 2011-15794. *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 a 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,

A handwritten signature in black ink, appearing to read 'Sarah Casterline', with a stylized flourish at the end.

Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/ag

Ref: ID# 442153

Enc. Submitted documents

c: Requestor
(w/o enclosures)