



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 1, 2012

Ms. Rebecca Brewer  
Counsel for the City of Frisco  
Abernathy, Roeder, Boyd, & Joplin, P.C.  
P.O. Box 1210  
McKinney, Texas 75070-1210

OR2012-12037

Dear Ms. Brewer:

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# 460577.

The City of Frisco (the "city"), which you represent, received a request for the information submitted to this office for review in connection with a previous request for specified statements and the city's fee bills, including all of the redactions approved by this office and the information the city redacted as non-responsive. You claim some of the submitted information is privileged under Texas Rule of Evidence 503.<sup>1</sup> We have considered your argument and reviewed the submitted information. We have also considered comments submitted by an interested third party. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

You inform us that the requested information was the subject of a previous request for a ruling, in response to which this office issued Open Records Letter No. 2012-03273 (2012). In that ruling, we determined the city may withhold certain information under Texas Rule of Evidence 503 and section 552.103 of the Government Code, must withhold certain information under section 552.136 of the Government Code, and must release all of the remaining information pursuant to section 552.022 of the Government Code. As we have no indication the law, facts, and circumstances on which Open Records Letter

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<sup>1</sup>Although you raise section 552.101 of the Government Code in conjunction with Texas Rule of Evidence 503, this office has concluded that section 552.101 does not encompass discovery privileges. *See* Open Records Decision Nos. 676 at 1-2 (2002), 575 at 2 (1990).

No. 2012-03273 was based have changed, we conclude the city must continue to rely on Open Records Letter No. 2012-03273 as a previous determination and withhold or release the requested information in accordance with this ruling.<sup>2</sup> 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 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](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,



Kenneth Leland Conyer  
Assistant Attorney General  
Open Records Division

KLC/bhf

Ref: ID# 460577

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. James H. Mallett  
1623 Greenhaven Drive  
Richardson, Texas 75080  
(w/o enclosures)

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<sup>2</sup>As our ruling is dispositive, we need not address your argument against disclosure.