



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 11, 2012

Mr. Charles H. Weir  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283

OR2012-16305

Dear Mr. Weir:

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# 467986 (ORR# W009043).

The City of San Antonio (the "city") received a request for e-mails sent or received by several specified e-mail addresses during a specified time period. You claim the submitted information is excepted from disclosure under sections 552.101, 552.107, 552.108, and 552.152 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>2</sup>

The submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2012-06720 (2012). In that ruling, we determined, in part, the city (1) must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 418.181 of the

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<sup>1</sup>We note although the city has generally raised sections 552.106 and 552.111 of the Government Code, and has marked portions of the submitted information under these exceptions, the city has not provided any arguments regarding the applicability of these exceptions, and we do not address them. *See* Gov't Code §§ 552.301(b), (e), .302.

<sup>2</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

Government Code; (2) may withhold the information we marked under section 552.107(1) of the Government Code; (3) may withhold the information we marked under section 552.108(b)(1) of the Government Code; (4) must withhold the information we marked under section 552.101 of the Government Code in conjunction with common-law privacy; and (5) must release the remaining information at issue. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the city must rely on Open Records Letter No. 2012-06720 as a previous determination and withhold or release the identical 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 ruling is dispositive, we do not consider your 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](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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/som

Ref: ID# 467986

Enc. Submitted documents

c: Requestor  
(w/o enclosures)