



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 19, 2012

Dr. Carol Simpson  
Counsel for the Cleveland Independent School District  
Eichelbaum, Wardell, Hansen, Powell & Mehl, P.C.  
5300 Democracy Drive, Suite 200  
Plano, Texas 75024

OR2012-20470

Dear Mr. Simpson:

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# 474471.

The Cleveland Independent School District (the "district"), which you represent, received a request for twenty-one categories of information regarding the hiring of the district's Chief of Police and the head of the district's transportation department. You state you will release information responsive to the request for the district's Board of Trustees meeting agendas and minutes. We understand you have redacted social security numbers in accordance with section 552.147(b) of the Government Code, driver's license information in accordance with section 552.130(c) of the Government Code, and certain information in accordance with Open Records Decision No. 684 (2009).<sup>1</sup> You claim the remaining submitted information

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<sup>1</sup>Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. Gov't Code § 552.147(b). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including Form I-9 and attachments under section 552.101 of the Government Code in conjunction with section 1324a of title 8 of the United States Code, Texas driver's license information under section 552.130 of the Government Code, and e-mail address of a member of the public under section 552.137 of the Government Code without the necessity of requesting an attorney general decision. You state you have redacted driver's license information pursuant to Open Records Decision No. 684. On September 1, 2011, the Texas legislature amended section 552.130 to allow a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3) without the necessity of seeking a decision from the attorney general. *Id.* § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Thus, the statutory amendments to section 552.130 of the Government Code superceded Open Records Decision No. 684 on September 1, 2011. Therefore, a governmental body may only redact information subject to subsections 552.130(a)(1) and (a)(3) in accordance with section 552.130, not Open Records Decision No. 684.

is excepted from disclosure under sections 552.103 and 552.117 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>2</sup>

You state, and we agree, the submitted information was the subject of a previous request for a ruling, in response to which this office issued Open Records Letter No. 2012-19590 (2012). In this prior ruling, we ruled the district may withhold the submitted information under section 552.103 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 district may rely on Open Records Letter No. 2012-19590 as a previous determination and withhold the submitted information in accordance with it.<sup>3</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 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](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,



Michelle R. Garza  
Assistant Attorney General  
Open Records Division

MRG/som

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<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.

<sup>3</sup>Because our ruling is dispositive, we do not address your remaining arguments against disclosure.

Ref: ID# 474471

Enc. Submitted documents

c: Requestor  
(w/o enclosures)