



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 1, 2013

Mr. Todd A. Clark
Counsel for the Austin Independent School District
Walsh, Anderson, Gallegos, Green and Treviño, P.C.
P.O. Box 2156
Austin, Texas 78768

OR2013-11208

Dear Mr. Clark:

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# 492201.

The Austin Independent School District (the "district"), which you represent, received a request for the proposals submitted by the American Institutes for Research (the "American Institutes") and John Hopkins University ("John Hopkins"). You claim the submitted information is excepted from disclosure under sections 552.102, 552.103, and 552.104 of the Government Code.¹ You also inform us the release of this information may implicate the proprietary interests of the American Institutes and John Hopkins. Accordingly, you notified these third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Act in certain circumstances). We have considered the submitted arguments and reviewed the submitted information.

We note the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-10387 (2013). In that

¹Although you raise section 552.102 of the Government Code in conjunction with sections 552.103 and 552.104 of the Government Code, we note section 552.102 does not encompass other statutes.

ruling, we determined the district may withhold the information at issue under section 552.104 of the Government Code until the contract at issue is executed. We understand the law, facts, and circumstances on which the previous ruling was based have not changed. Therefore, we conclude the district may rely on Open Records Letter No. 2013-10387 as a previous determination and withhold the requested information in accordance with that ruling. *See* Open Records Decision No. 673 at 6-7 (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 we are able to make this determination, we need not address the remaining arguments against disclosure of this information.

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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/bhf

Ref: ID# 492201

Enc. Submitted documents

c: Requestor
(w/o enclosures)