



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 3, 2014

Mr. Ricardo Morado  
Counsel for the City of San Benito  
Roerig, Oliveira, & Fisher, L.L.P.  
855 West Price Road, Suite 9  
Brownsville, Texas 78520-8786

OR2014-00190

Dear Mr. Morado:

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# 509914.

The City of San Benito (the "city"), which you represent, received a request for information pertaining to the city's budget in a format compatible with a specified computer program. You inform us the city has previously released to the requestor the requested information pertaining to the city's budget. However, you claim the current request asks for information that is not subject to the Act. Further, we understand you to contend the city considers this request repetitious and redundant of a previous request received by the city from this requestor. We have considered your arguments. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, you assert the requestor is requesting a copy of the specified computer program. However, we note the requestor is requesting specific information pertaining to the city's budget in a format compatible with the specified computer program, not a copy of the specified computer program, itself. Additionally, the requestor informs us the city has previously released other information to this requestor in the same format. Accordingly, we find a copy of the specified computer program is not responsive to the instant request. The city need not release non-responsive information in response to this request, and this ruling will not address that information.<sup>1</sup>

---

<sup>1</sup>As we are able to make this determination, we need not address the city's arguments on whether a copy of the specified computer program is subject to the Act.

Section 552.232 of the Government Code provides as follows:

(a) A governmental body that determines that a requestor has made a request for information for which the governmental body has previously furnished copies to the requestor or made copies available to the requestor on payment of applicable charges under Subchapter F, shall respond to the request, in relation to the information for which copies have been already furnished or made available, in accordance with this section, except that:

(1) this section does not prohibit the governmental body from furnishing the information or making the information available to the requestor again in accordance with the request; and

(2) the governmental body is not required to comply with this section in relation to information that the governmental body simply furnishes or makes available to the requestor again in accordance with the request.

(b) The governmental body shall certify to the requestor that copies of all or part of the requested information, as applicable, were previously furnished to the requestor or made available to the requestor on payment of applicable charges under Subchapter F. The certification must include:

(1) a description of the information for which copies have been previously furnished or made available to the requestor;

(2) the date that the governmental body received the requestor's original request for that information;

(3) the date that the governmental body previously furnished copies of or made available copies of the information to the requestor;

(4) a certification that no subsequent additions, deletions, or corrections have been made to that information; and

(5) the name, title, and signature of the officer for public information or the officer's agent making the certification.

(c) A charge may not be imposed for making and furnishing a certification required under Subsection (b).

(d) This section does not apply to information for which the governmental body has not previously furnished copies to the requestor or made copies available to the requestor on payment of applicable charges under

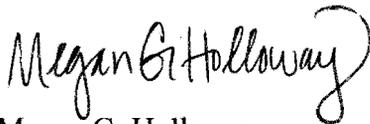
Subchapter F. A request by the requestor for information for which copies have not previously been furnished or made available to the requestor, including information for which copies were not furnished or made available because the information was redacted from other information that was furnished or made available or because the information did not yet exist at the time of an earlier request, shall be treated in the same manner as any other request for information under this chapter.

Gov't Code § 552.232. Thus, section 552.232 allows a governmental body to certify that records have previously been provided to a requestor, rather than make those same records available to the same requestor in response to subsequent requests. You state the requested budget information was previously requested and released to this same requestor. *See id.* § 552.232 (prescribing procedures for response to repetitious or redundant request for information). Accordingly, upon provision to the requestor of the certification required by section 552.232, the requestor need not again be provided with any information that the city made available to him in response to his previous request.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Megan G. Holloway  
Assistant Attorney General  
Open Records Division

MGH/dls

Ref: ID# 509914

c: Requestor