



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 30, 2014

Ms. Patricia Fleming  
Assistant General Counsel  
Office of the General Counsel  
Texas Department of Criminal Justice  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2014-09281

Dear Ms. Fleming:

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# 529761.

The Texas Department of Criminal Justice (the "department") received a request for 1) the execution protocol to be used in a named person's scheduled execution and 2) information concerning the drugs to be used. In its May 29, 2014 letter, the department withdraws its request for an open records decision regarding the identity of the laboratory testing the pentobarbital to be used in executions because it will release the information. As to the remaining information, the department claims some of the information is excepted from disclosure under sections 552.101, 552.108, 552.118, and 552.136 of the Government Code. We note the information the department seeks to withhold is subject to a previous request for information. In Open Records Letter No. 2014-09184 (2014), we concluded the department must withhold the identifying information of the pharmacy and pharmacist we marked pursuant to section 552.101 of the Government Code in conjunction with the common-law physical safety exception and the credit card numbers and federal Drug Enforcement Agency registration number we marked under section 552.136 of the Government Code. The prior ruling further concluded the department must release the remaining information. As the four criteria for a "previous determination" established by this

office in Open Records Decision No. 673 (2001) have been met, the department may continue to rely on Open Records Letter No. 2014-09184.<sup>1</sup>

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/sdk

Ref: ID# 529761

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>The four criteria for this type of "previous determination" are 1) the records or information at issue are precisely the same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D) of the Government Code; 2) the governmental body which received the request for the records or information is the same governmental body that previously requested and received a ruling from the attorney general; 3) the attorney general's prior ruling concluded that the precise records or information are or are not excepted from disclosure under the Act; and 4) the law, facts, and circumstances on which the prior attorney general ruling was based have not changed since the issuance of the ruling. *See* Open Records Decision No. 673 (2001).