



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 24, 2014

Mr. Jeffery Giles
Assistant City Attorney
Legal Department
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2014-12870

Dear Mr. Giles:

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# 528642 (GC No. 21352).

The City of Houston (the "city") received a request for all documents related to invoices billed to the city by NERA Economic Consulting. You state the city will release a portion of the requested information. You claim the submitted information is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹ We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2014-12181 (2014). In Open Records Letter No. 2014-12181, we determined the city (1) must continue to rely on our previous rulings in Open Records Letter Nos. 2014-04581 (2014) and 2013-07884 (2013) as previous determinations and withhold or release the information at issue in accordance with those rulings, (2) may withhold the information we marked under Texas Rule of Evidence 503, (3) may generally withhold the remaining information under

¹We 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.

section 552.107(1) of the Government Code, however, the city may not withhold the non-privileged e-mails we marked if they are maintained by the city separate and apart from the otherwise privileged e-mail strings in which they appear, (4) must withhold the e-mail addresses we marked under section 552.137 of the Government Code to the extent the e-mail addresses we marked belong to members of the public who have not affirmatively consented to their release, and (5) must release the remaining non-privileged information. We have no indication there has been any change in the law, facts, or circumstances on which the prior ruling was based. Accordingly, we conclude the city must rely on Open Records Letter No. 2014-12181 as a previous determination and withhold or release the information at issue 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 information is or is not excepted from disclosure). As our ruling is dispositive, we do not address your argument 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.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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/bhf

Ref: ID# 528642

Enc. Submitted documents

c: Requestor
(w/o enclosures)