



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 2, 2014

Ms. Susan G. Morrison
Counsel for the Doss Consolidated Common School District
The Fowler Law Firm, P.C.
919 Congress Avenue, Suite 900
Austin, Texas 78701

OR2014-15402

Dear Ms. Morrison:

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# 534883.

The Doss Consolidated Common School District (the "district"), which you represent, received two requests from the same requestor for a copy of any invoice for attorney fees sent by the Fowler Law Firm to the district since a specified date. You state you have released some information. You claim portions of the submitted information are excepted from disclosure under sections 552.103 and 552.107 of the Government Code and privileged under Texas Rule of Evidence 503. As you also assert the attorney work product privilege, we understand you to raise section 552.111 of the Government Code. We have considered your arguments and reviewed the submitted information.

We note the information you seek to withhold was the subject of a previous ruling issued by this office. In Open Records Letter No. 2014-10699 (2014), we determined the district violated section 552.301 of the Government Code in seeking a ruling from this office, and as a result, waived its claims under (1) sections 552.103, 552.107, and 552.111 of the Government Code and (2) rule 503 of the Texas Rules of Evidence. As the district made no arguments that could provide a compelling reason to withhold the information at issue, the ruling concluded the district had to release the information at issue.

We understand you now claim the information you seek to withhold was not responsive to the request at issue in Open Records Letter No. 2014-10699 because the requestor excluded attorney-client privileged information from his request. However, we note that, in its briefing to this office for the previous ruling, the district (1) did not assert any of the information at issue was not responsive to the request and (2) claimed the information at issue should be withheld under the attorney-client privilege. Thus, as the department treated the information you now seek to withhold as responsive to the request at issue in Open Records Letter No. 2014-10699, we will continue to construe this information as responsive to the request at issue in Open Records Letter No. 2014-10699. *See* Open Records Decision No. 561 at 8-9 (1990) (governmental body must make good-faith effort to relate request for information to responsive information within governmental body's possession or control).

Accordingly, as the law, facts, and circumstances upon which Open Records Letter No. 2014-10699 was based have not changed, we find the district must continue to rely on this ruling as a previous determination and release the information at issue in accordance with that decision. *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.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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/dls

Ref: ID# 534883

Enc. Submitted documents

c: Requestor
(w/o enclosures)