



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 24, 2017

Mr. Christopher H. Schulz
Counsel for the Seguin Independent School District
Schulman, Lopez, Hoffer, & Adelstein, LLP
517 Soledad Street
San Antonio, Texas 78205-1508

OR2017-16564

Dear Mr. Schulz:

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# 667472.

The Seguin Independent School District (the "district"), which you represent, received a request for a specified complaint and corresponding investigation. You claim the requested information is excepted from disclosure under sections 552.101 through 552.154 of the Government Code and privileged under Texas Rule of Evidence 503 and Texas Rule of Civil Procedure 192.5. We have considered your arguments.

Initially, we note some of the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2017-08661 (2017). In response to Open Records Letter No. 2017-08661, an interested party filed a lawsuit against our office. *See Stetson Roane v. Ken Paxton, Attorney Gen. of Tex.*, No. D-1-GN-17-001843 (200th Dist. Ct., Travis County, Tex.). Accordingly, with regard to the information at issue in this lawsuit, we will allow the trial court to resolve the issue of whether the information that is the subject of the pending litigation must be released to the public.¹ However, we will address your arguments against disclosure for the information not subject to the pending litigation.


¹As we are able to make this determination, we need not address the submitted arguments against disclosure of this information.

Next, we note the remaining requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2017-10411 (2017). In that ruling, we determined the district may withhold some of the information at issue pursuant to rule 503 of the Texas Rules of Evidence and the remaining information at issue under section 552.107(1) of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the district may rely on Open Records Letter No. 2017-10411 as a previous determination and withhold the identical information in accordance with that ruling.² *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,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/tdw

Ref: ID# 667472

c: Requestor

²As we are able to make this determination, we need not address the submitted arguments against disclosure of this information.