



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 15, 2017

Mr. Sam Elsass  
Legal Assistant  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2017-26160

Dear Mr. Elsass:

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# 684217 (PIR # 17-6464).

The Texas Department of Public Safety (the "department") received a request for the bid tabulations pertaining to three specified projects. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. You also indicate release of the submitted information may implicate the proprietary interests of Ceda-Tex Services; Concord Commercial Services, Inc.; Digital Air Control, Inc.; Dort & O'Connor Contractors; Knight Security Systems, LLC; Texas Precision Paving, LLC; and Wilson Building Services, Inc. Accordingly, the department notified these third parties of the request for information and of each company's right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Act in certain circumstances). We have considered the exception you claim and reviewed the submitted information.

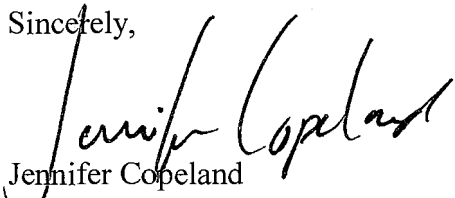
We note the requested information was the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2017-21776 (2017), 2017-22346 (2017), 2017-23390 (2017), and 2017-23787 (2017). In Open Records Letter Nos. 2017-21776, 2017-22346, and 2017-23787, we concluded the department may withhold

the information at issue under section 552.104(a) of the Government Code. In Open Records Letter No. 2017-23390, we concluded the department may continue to rely upon Open Records Letter No. 2017-21776 for the information previously ruled upon and may withhold the remaining information at issue under section 552.104(a) of the Government Code. There is no indication the law, facts, and circumstances on which the prior rulings were based have changed. Accordingly, we conclude the department may continue to rely on Open Records Letter Nos. 2017-21776, 2017-22346, 2017-23390, and 2017-23787 as previous determinations and withhold the submitted information in accordance with those rulings. *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 need not address your argument against disclosure.

You ask this office to issue a previous determination permitting the department to withhold bid tabulations under section 552.104 of the Government Code without the necessity of requesting a decision under section 552.301 of the Government Code. *See* Gov't Code § 552.301(a) (allowing a governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time. Accordingly, 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,



Jennifer Copeland  
Assistant Attorney General  
Open Records Division

JC/gw

Ref: ID# 684217

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

c: 7 Third Parties  
(w/o enclosures)