



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 13, 2019

Ms. Yvette T. Yarbrough
Assistant General Counsel
Texas Medical Board
P.O. Box 2018
Austin, Texas 78768-2018

OR2019-22354

Dear Ms. Yarbrough:

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#780311 (Reference No. 30107).

The Texas Medical Board (the "board") received a request for specified communications during a defined period of time. You claim the requested information is excepted from disclosure under sections 552.101, 552.103, 552.107, and 552.111 of the Government Code. We have considered the exceptions you claim.

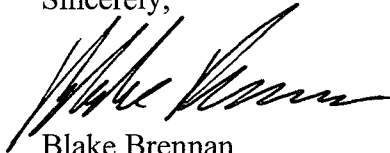
You state the requested information was the subject of previous requests for a ruling, as a result of which this office issued Open Records Letter Nos. 2018-28015 (2018), 2019-13366 (2019), 2019-18115 (2019), and 2019-19933 (2019). In Open Records Letter No. 2018-28015 we concluded the board may withhold the information you have indicated under section 552.103 of the Government Code. In Open Records Letter No. 2019-13366 we concluded the board may withhold the submitted information under section 552.103 of the Government Code. In Open Records Letter No. 2019-18115 we concluded (1) pursuant to Open Records Letter No. 2007-03117 (2007), the board must withhold Exhibit 4 under section 552.101 of the Government Code in conjunction with section 164.007 of the Occupations Code; and (2) the board may withhold the remaining information under section 552.103 of the Government Code. In Open Records Letter No. 2019-19933 we concluded: (1) the board may generally withhold the submitted information under section 552.107(1) of the Government Code; however, if the non-privileged e-mails, which we have marked, are maintained by the board separate and apart from the otherwise privileged e-mail strings in which they appear, then the board may not withhold these non-privileged e-mails under

section 552.107(1) of the Government Code; (2) the board may withhold the information we have marked under section 552.103 of the Government Code; and (3) the board must release the remaining information. We have no indication the law, facts, or circumstances on which the prior rulings were based have changed. Thus, the board must continue to rely on Open Records Letter Nos. 2018-28015, 2019-13366, 2019-18115, and 2019-19933 as previous determinations and withhold or release the identical information at issue 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 a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address the board's arguments against disclosure of this information.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Blake Brennan
Attorney
Open Records Division

BB/be

Ref: ID# 780311

c: Requestor