



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 9, 2019

Mr. Ricardo Vela Jr.
Assistant District Attorney
Dallas County
133 North Riverfront Boulevard, LB-19
Dallas, Texas 75207-4399

OR2019-25147

Dear Mr. Vela:

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# 784964.

The Dallas County Criminal District Attorney's Office (the "district attorney's office") received a request for the personnel records of two named individuals who were previously employed at the district attorney's office. You claim the submitted information is subject to Open Records Letter No. 2017-14760 (2017). Additionally, you state you have previously released the requested information to the requestor in response to a prior request for information. *See* Gov't Code § 552.232 (prescribing procedures for response to repetitious or redundant requests for information). Alternatively, you claim the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.108, 552.117, 552.130, 552.139, and 552.147 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.¹

Initially, we address your assertion that the instant request for information is redundant of a previous request made to the district attorney's office. Section 552.232 of the Government Code outlines the procedures a governmental body must follow in responding to a repetitious or redundant request. Gov't Code § 552.232. You state the requestor represents the Office of Capital and Forensic Writs ("OFCW"). You inform us the requested information was previously provided to OFCW in response to Open Records

¹ We 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.

Letter No. 2017-14760. You assert the present request is for the same information. However, the requestor in this instance is not the requestor who made the previous requests. Therefore, you have failed to demonstrate the instant request for information is a repetitious or redundant request for purposes of the Act. Thus, we will consider your arguments against disclosure of the requested information.

You state the submitted information was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2017-14760. In that ruling, we determined the district attorney's office 1) may withhold the information not previously released under section 552.103(a) of the Government Code; 2) in releasing the information that was previously released, the district attorney's office must withhold the information we marked under section 552.101 of the Government Code in conjunction with common-law privacy, section 552.117(a)(1) of the Government Code, and section 552.130 of the Government Code; and 3) must release the remaining information. You state the law, facts, or circumstances on which the prior ruling was based have not changed. Thus, the district may continue to rely on Open Records Letter No. 2017-14760 as a previous determination and withhold or release the submitted 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 a 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 <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,



Kelly McWethy
Assistant Attorney General
Open Records Division

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

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Enc. Submitted documents

c: Requestor
(w/o enclosures)