



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 15, 2019

Ms. Anastasia Broadfoot
Attorney
Office of the General Counsel
Texas Alcoholic Beverage Commission
P.O. Box 13127
Austin, Texas 78711-3137

OR2019-28824

Dear Ms. Broadfoot:

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# 791352 (ORR# R001512-080219).

The Texas Alcoholic Beverage Commission (the "commission") received a request for any and all documents pertaining to investigations and complaints against a specified entity during a stated time period, including information pertaining to a specified incident. You claim the requested information is subject to a previous ruling by our office. We have considered your argument.

You inform us the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2019-24732 (2019). In that ruling, we determined: (1) with the exception of basic information, which the commission must release, the commission may withhold the information it indicated under sections 552.108(a)(1) and 552.108(a)(2) of the Government Code; (2) the commission must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 5.48 of the Alcoholic Beverage Code; (3) the commission must withhold all public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy; (4) the commission must withhold the information we marked under section 552.130 of the Government Code; (5) the commission must withhold the e-mail address of a member of the public in the remaining information under section 552.137 of the Government Code; and (6) the

commission must release the remaining information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the commission must continue to rely on Open Records Letter No. 2019-24732 as a previous determination and withhold or release the requested information in accordance with that ruling. *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).

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,



James M. Graham
Assistant Attorney General
Open Records Division

JMG/be

Ref: ID# 791352

c: Requestor