



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 20, 2020

Ms. Jennifer Slack
Assistant District Attorney
Lubbock County
P.O. Box 10536
Lubbock, Texas 79408

OR2020-26401

Dear Ms. Slack:

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# 847793 (Ref. No. ORR.2131).

Lubbock County (the "county") received a request for a named individual's personnel file as well as certain communications involving the named individual during a stated period of time. You claim some of the submitted information is not subject to the Act. You also claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.103, 552.108, 552.111, 552.114, 552.117, 552.130, 552.136, 552.137, 552.139, and 552.147 of the Government Code.¹ Additionally, you state the release of the submitted information may implicate the interests of certain individuals and the Texas Department of Public Safety (the "department"). Accordingly, you state, and provide documentation showing, you notified the interested parties of the request for information and of the right to submit arguments to this office as to why the submitted information should not be released. We have received comments from three interested parties. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

Initially, you state some of the submitted information, which you marked, is not responsive to the present request for information. This ruling does not address the public availability

¹ Although you also raise section 552.024 of the Government Code, we note this section is not an exception to disclosure. Rather, this section permits a current or former official or employee of a governmental body to choose whether to allow public access to certain information relating to the current or former official or employee that is held by the employing governmental body. *See* Gov't Code § 552.024.

of any information that is not responsive to the request and the county is not required to release such information in response to the present request.

Next, we note the responsive information was the subject of a previous request for a ruling, in response to which this office issued Open Records Letter No. 2020-25113 (2020). In that ruling, we determined that the county may withhold the submitted information under section 552.108(a)(1) of the Government Code on behalf of the department. We have no indication the law, facts, and circumstances on which the prior ruling was based have changed. Thus, the county may continue to rely on Open Records Letter No. 2020-25113 as a previous determination and withhold the responsive 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 <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,

Michelle Garza
Assistant Attorney General
Open Records Division

MRG/be

Ref: ID# 847793

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: 5 Third Parties
(w/o enclosures)

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