



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 12, 2022

Ms. Elizabeth Stevens  
Assistant General Counsel  
Harris County District Attorney's Office  
500 Jefferson Street, Suite 600  
Houston, Texas 77002

OR2022-01138

Dear Ms. Stevens:

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# 923716 (Internal Tracking No. 2021.10-0047).

The Harris County District Attorney's Office (the "district attorney's office") received a request for weekly "Media Matters" reports during a defined time period. You claim the submitted information is excepted from disclosure under sections 552.103, 552.108, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

As you acknowledge, the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2021-10883 (2021). In response to Open Records Letter No. 2021-10833, the district attorney's office has filed a lawsuit against our office challenging the ruling, which is pending. *See Kim Ogg, District Attorney of Harris County, Tex. v. Ken Paxton, Attorney Gen. of Tex.*, Cause No. D-1-GN-21-002122 (201st Dist. Ct., of Travis County, Tex.). Accordingly, we will allow the trial court to resolve the issue of whether the submitted information, which is the subject of the pending litigation, must be released to the public.<sup>2</sup>

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<sup>1</sup> We assume that 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 that those records contain substantially different types of information than that submitted to this office.

<sup>2</sup> As we are able to make this determination, we need not address the submitted arguments against 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# 923716

c: Requestor