



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 10, 2022

Mr. Chase Goetz  
Assistant District Attorney  
Caldwell County Criminal District Attorney's Office  
1703 South Colorado Street, Box 5  
Lockhart, Texas 78644

OR2022-07265

Dear Mr. Goetz:

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# 934491 (Ref. No. 21-0533).

The Caldwell County District Attorney's Office (the "district attorney's office") received a request for a specified audio recording. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup> We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

You inform us 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. 2021-23306 (2021). We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the district attorney's office may continue to rely on Open Records Letter No. 2021-23306 as a previous determination and withhold the information at issue in accordance with that ruling.<sup>2</sup> *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

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<sup>1</sup> 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 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 your arguments against disclosure.

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,

Michelle Garza  
Assistant Attorney General  
Open Records Division

MRG/mo

Ref: ID# 934491

Enc. Submitted documents

c: Requestor  
(w/o enclosures)