



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 27, 2022

Mr. Jacob Woolston  
Staff Attorney  
Round Rock Independent School District  
1311 Round Rock Avenue  
Round Rock, Texas 78681

OR2022-11978

Dear Mr. Woolston:

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# 943434 (TPIA Nos. 2022-369, 2022-373, and 2022-374).

The Round Rock Independent School District (the "district") received three requests from different requestors for information related to a specified district Board meeting. You state the district will release some information upon payment of costs. You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, and 552.116 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2022-09164 (2022). In that ruling, we concluded, with the exception of the marked court-filed document subject to section 552.022(a)(17) of the Government Code, the district may withhold the submitted information under section 552.116 of the Government Code. You now seek to withhold the entirety of the information at issue under section 552.103 of the Government Code. We note section 552.007 of the Government Code provides that, if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold such information from further disclosure unless its public release is expressly prohibited by law, or the information is confidential under law. *See* Gov't Code § 552.007; Open Records Decision No. 518 at 3 (1989); *see also* Open Records Decision No. 400 (1983) (governmental body may waive right to claim permissive exceptions to disclosure under the Act, but it may not disclose information made confidential by law). Therefore, pursuant to section 552.007, the district may not now withhold the previously released

information unless its release is expressly prohibited by law. Because section 552.103 does not prohibit the release of information or make information confidential, the district may not now withhold any portion of the previously released information under section 552.103 of the Government Code. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); *see also* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions). Nonetheless, we have no indication the law, facts, and circumstances on which Open Records Letter No. 2022-09164 was based have changed. Accordingly, the district must continue to rely on Open Records Letter No. 2022-09164 as a previous determination and withhold or release the information at issue in accordance with that ruling.<sup>1</sup> *See* Open Records Decision No. 673 (2001) (so long as law, facts, 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,

D. Michelle Case  
Assistant Attorney General  
Open Records Division

DMH/mo

Ref: ID# 943434

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup> As we are able to make this determination, we need not address your remaining arguments against disclosure of this information.