



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 9, 2022

Mr. Christopher Duncan  
Counsel for the City of Freeport  
Duncan Law Firm  
104 West Myrtle, Suite 218  
Angleton, Texas 77515

OR2022-13188

Dear Mr. Duncan:

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# 944344.

The City of Freeport (the "city"), which you represent, received a request for a certain contract and certain legal invoices during a specified time period. You claim the submitted information is excepted from disclosure under section 552.107 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

We note the requested information was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2022-11444 (2022). In that ruling, we determined 1) the city may withhold the marked information under Texas Rule of Evidence 503, 2) the city may withhold certain information under section 552.107(1) of the Government Code, and 3) the city must release the remaining information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the city must continue to rely on Open Records Letter No. 2022-11444 as a previous determination and withhold or release the information at issue 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

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<sup>1</sup> Although you do not raise section 552.107 of the Government Code in your brief, we understand you to assert this exception based on the substance of your argument. Further, although you also raise section 552.101 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim that this section applies to the submitted information. *See* Gov't Code §§ 552.301, .302.

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). As we are able to make this determination, we need not address your submitted arguments.

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,

Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/mo

Ref: ID# 944344

Enc. Submitted documents

c: Requestor  
(w/o enclosures)