



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 3, 2022

Mr. Rahat Huq
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2022-22938

Dear Mr. Huq:

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# 963403 (Ref. No. F004438).

The Houston Fire Department (the "department") received a request for: (1) information pertaining to a specified incident; (2) certain information pertaining to a specified position during a stated time period; and (3) information pertaining to any grievance against a named employee during a stated time period. The department claims some of the requested information is subject to a previous request for information. We have considered the submitted argument.

Initially, we note in a letter dated June 6, 2022, the department states it wishes to withdraw its request for an open records decision with regard to the second and third categories of information because the department will release the information responsive to the second category of information and has no information responsive to the third category of information. Thus, this information is not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request.

The department states the information responsive to the first category of information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-04337 (2022). In that ruling, we determined: (1) the city must release the information we have marked pursuant to section 552.022 of the Government Code; (2) with the exception of the basic information, which must be released, the city may withhold the remaining information under section 552.108(a)(1) of the Government Code;

and (3) the city must withhold the routing and bank account numbers within the remaining information under section 552.136 of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the department must rely on Open Records Letter No. 2022-04337 as a previous determination and withhold or release the requested information 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 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,

Katie Stallcup
Assistant Attorney General
Open Records Division

AKS/mo

Ref: ID# 963403

Enc. Submitted documents

c: Requestor
(w/o enclosures)