



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 12, 2022

Mr. Chris Kadas
Attorney
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

OR2022-24064

Dear Mr. Kadas:

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# 965628 (ORR No. R000719-052022).

The Texas Parks & Wildlife Department (the "department") received a request for a specified report. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

In Open Records Letter No. 2002-5382 (2002), this office issued a previous determination to the department authorizing it to withhold boating accident reports as defined in section 31.105 of the Parks and Wildlife Code and attachments under section 552.101 of the Government Code in conjunction with section 31.105 without requesting a decision from this office. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). The submitted information consists of a boating accident report as defined in section 31.105. Thus, the department may continue to rely on Open Records Letter No. 2002-5382 as a previous determination and must withhold the submitted information in accordance with that ruling.¹

¹ Although the Texas legislature amended section 31.105 in 2011 to increase the monetary amount specified in subsection (a), we determine you may still rely on Open Records Letter No. 2002-5382 as a previous determination. *See* Act of May 18, 2011, 82nd Leg., R.S., H.B. 555, § 1 (codified as 31.105(a) of the Government Code). Accordingly, as our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted information.

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,

Kimbell Kesling
Assistant Attorney General
Open Records Division

KK/jm

Ref: ID# 965628

Enc. Submitted documents

c: Requestor
(w/o enclosures)