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ATTORNEY GENERAL OF TEXAS

August 26, 2022

Counsel for Fort Bend MUD No. 23
Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

OR2022-25973

Dear Counsel:

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# 968544.

The Fort Bend County Municipal Utility District (the "district"), which you represent, received a request information pertaining to the district's 2022 board of directors election, including applications to be placed on the ballot; certain signed orders and notices; certain e-mails and specified contracts; and other specified information, including records sufficient to identify the unique email address of district directors. You state the district has released some information. You also state to the extent the district provides and pays for individual e-mail addresses for their directors, the district has released such information. You claim the remaining requested information is excepted from disclosure under sections 552.101 and 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2022-25412 (2022). As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the district must continue to rely on that ruling as a previous determination and withhold or release the requested information in accordance with Open Records Letter No. 2022-25412.¹ 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

¹ As our ruling is dispositive, we need not address your arguments against disclosure of this information.

information 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).

Section 552.117 of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and information that reveals whether an individual has family members for current or former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a). You assert the submitted e-mail addresses are confidential under section 552.117(a)(1). However, upon review, we find section 552.117 of the Government Code is not applicable to the e-mail addresses at issue, and the district may not withhold the e-mail addresses at issue on this basis.

In summary, the district must rely on Open Records Letter No. 2022-25412 as a previous determination and withhold or release the identical responsive information in accordance with that ruling. The district must release the remaining requested 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,

Britni Ramirez
Assistant Attorney General
Open Records Division

BR/jm

Ref: ID# 968544

Enc. Submitted documents

c: Requestor
(w/o enclosures)