



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 30, 2022

Ms. Kristi Godden
Counsel for the Edinburg Consolidated Independent School District
O'Hanlon, Demerath & Castillo
808 West Avenue
Austin, Texas 78701-2208

OR2022-26282

Dear Ms. Godden:

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# 969574 (E001873).

The Edinburg Consolidated Independent School District (the "district"), which you represent, received a request for five categories of information related to the requestor's client and a specified grievance hearing. You state the district has released some information. You claim the requested information is subject to a previous ruling from our office. We have considered the submitted arguments.

You inform this office the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2022-24938 (2022). In that ruling, we concluded the following: (1) the district may withhold certain information we marked under section 552.107(1) of the Government Code; (2) the district may withhold certain information we marked under section 552.103(a) of the Government Code; (3) the district must withhold certain information we marked under section 552.101 of the Government Code in conjunction with common law privacy and the holding in *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.—El Paso 1992, writ denied); (4) the district may withhold certain information we marked pursuant to Texas Rule of Evidence 503; (5) if the individuals whose information is at issue timely requested confidentiality pursuant to section 552.024 of the Government Code, and the cellular telephone service is not paid for by a governmental body, the district must withhold certain cellular telephone numbers we marked under section 552.117(a)(1) of the Government Code; (6) to the extent certain e-mail addresses are not the personal e-mail addresses of employees or officials of the

district and subsection (c) does not apply, the district must withhold such e-mail addresses under section 552.137 of the Government Code, unless the individuals to whom the e-mail addresses belong affirmatively consent to their release; and (7) the district must release the remaining information at issue to this requestor. 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 Open Records Letter No. 2022-24938 as a previous determination and withhold or release the requested information in accordance with that ruling.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 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,

Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/jm

Ref: ID# 969574

c: Requestor

¹ We note the information being released contains information to which the requestor has a right of access under section 552.023 of the Government Code. *See* Gov't Code § 552.023(a); *see also* ORD 481 at 4. Accordingly, if the district receives another request for this same information from a different requestor, the district must again seek a ruling from this office.