



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 2, 2022

Ms. Sarah W. Langlois
Counsel for the Brenham Independent School District
Karczewski, Bradshaw, Spalding, Nichols, Lamp & Langlois
3700 Buffalo Speedway, Suite 560
Houston, Texas 77098

OR2022-34005

Dear Ms. Langlois:

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# 982233.

The Brenham Independent School District (the "district"), which you represent, received a request for a specified agreement and related addendums.¹ You claim some of the submitted information is excepted from disclosure under section 552.104 of the Government Code. The district also informs us, and provides documentation showing, it notified Durham School Services, L.P. of the district's receipt of the request for information and of its right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the claimed exception and reviewed the submitted representative sample of information.²

Initially, you state the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-28076 (2022). In that ruling, we determined the district must release the submitted information. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the district must rely on

¹ As you have not submitted a copy of the request for information, we take our description from your brief.

² We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

Open Records Letter No. 2022-28076 as a previous determination and release the submitted 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,

Nick Ybarra
Assistant Attorney General
Open Records Division

NY/jx

Ref: ID# 982233

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)