



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 2, 2022

Ms. Jessica Marsh
Deputy Director
Texas Civil Commitment Office
4616 West Howard Lane, Building 2, Suite 350
Austin, Texas 78728

OR2022-34027

Dear Ms. Marsh:

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# 978203 (TCCO PIA 2022-0032).

The Texas Civil Commitment Office (the "TCCO") received a request for certain reviews and reports pertaining to the requestor. The TCCO claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the TCCO claims and reviewed the submitted information.

Initially, you state some of the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-32215 (2022). We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the TCCO must rely on Open Records Letter No. 2022-32215 as a previous determination and withhold or release the identical 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).

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 of the Government Code also encompasses section 841.0833 of the Health and Safety Code, which reads as follows:

- (a) The [commitment office] shall develop procedures for the security and monitoring of committed persons in each programming tier.

(b) Information regarding the security and monitoring procedures developed under Subsection (a) is confidential and not subject to disclosure under [the Act].

Health & Safety Code § 841.0833. The TCCO states the remaining information consists of information regarding procedures for the security and monitoring of a committed person. Upon review, we agree the information at issue consists of information related to the security and monitoring of a committed person, which is made confidential under section 841.0833(b). Accordingly, the TCCO must withhold the remaining information under section 552.101 of the Government Code in conjunction with section 841.0833(b) of the Health and Safety Code.

In summary, the TCCO must rely on Open Records Letter No. 2022-32215 as a previous determination and withhold or release the identical information in accordance with that ruling. The TCCO must withhold the remaining information under section 552.101 of the Government Code in conjunction with section 841.0833(b) of the Health and Safety Code.

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,

Michelle Garza
Assistant Attorney General
Open Records Division

MRG/jxd

Ref: ID# 978203

c: Requestor