



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 1, 2022

Mr. Bobbie K. Risner
Assistant General Counsel
Harris County District Attorney
500 Jefferson Street, Suite 600
Houston, Texas 77002

OR2022-37116

Dear Mr. Risner:

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# 983885 (Tracking No. 2022.09-0030).

The Harris County District Attorney's Office (the "district attorney's office") received two requests from the same requestor for information pertaining to the death of a named inmate. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

The district attorney's office states the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-31115 (2022). In that ruling, we determined with the exception basic information, the district attorney's office may withhold the submitted information under section 552.108(a)(1) of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the district attorney's office may rely on Open Records Letter No. 2022-31115 as a previous

¹ Although you raised section 552.101, you make no arguments in support of this assertion, nor have you marked any information as being excepted under this section. Therefore, we assume you have withdrawn this exception. *See* Gov't Code §§ 552.301, .302.

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.

determination and withhold or release the identical information in accordance with that ruling.³ 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,

Pearlie Gault
Assistant Attorney General
Open Records Division

PG/pt

Ref: ID# 983885

c: Requestor

³ As we are able to make this determination, we need not address your argument against disclosure of the submitted information.