



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 19, 2022

Ms. Angelique Soto
City Secretary
City of South Padre Island
4601 Padre Boulevard
South Padre Island, Texas 78597

OR2022-39458

Dear Ms. Soto:

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# 991253 (PIR Nos. 22-0920-11 & 22-1012-05).

The City of South Padre Island (the "city") received six requests from the same requestor for information pertaining to a specified incident and particular questionnaires. You state the city has released some information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note you have not submitted information responsive to the portion of the requests seeking questionnaires. To the extent any information responsive to this portion of the requests existed on the date the city received the requests, we assume the city has released it. If the city has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, 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. 2022-30325 (2022). In that ruling, we determined the city must withhold the submitted information in its entirety under section 552.130 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 city must rely on Open Records Letter No. 2022-30325 as a previous determination and withhold the identical 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,

Colin Henry
Assistant Attorney General
Open Records Division

CEH/pt

Ref: ID# 991253

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ As we are able to make this determination, we need not address your remaining arguments against disclosure of this information.