



Texas Department of Family and Protective Services

Office of General Counsel

Commissioner
Jaime Masters, MS, MFT

July 14, 2022

Justin Gordon
Division Chief
Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Dear Mr. Gordon,

On June 23, 2022, the Department of Family and Protective Services (DFPS, or the Department) received a request under the Public Information Act (the "PIA") from Mr. Robert Montoya for multiple items. A copy of the request is attached as Exhibit A. Pursuant to section 552.301(a), DFPS timely requested a decision from your office on whether the responsive information is excepted from disclosure under the PIA. That request is attached as Exhibit B. Our office now submits this brief in accordance with section 552.301(e). We believe that some of the requested information may be excepted from public release based on prior rulings from your office on requests for the same information.

Initially, we note that some of the requested information was the subject of a previous request made to this office and submitted to the Attorney General for ruling, DFPS ORR No. R001659-082021. The items in common with these previous requests are listed in Attachment A as R002432, R002433, and R002434. With respect to the information at issue in these 3 items, we will rely upon the Attorney General ruling OR2021-318693 and withhold or release the requested information in accordance with that ruling. The law, facts, and circumstances on which the prior ruling was based have not changed, the requested information is precisely same information as was addressed in the prior attorney general ruling, the ruling is addressed to same governmental body, DFPS, and the ruling concludes that information is or is not excepted from disclosure.

We have included our request for ruling listed above, the ruling as determined by your office, and the documents marked in conformance with the ruling in Attachment C.

Next, we note a portion of the requested information is subject to the previous determination issued in Open Records Letter No. 2003-5590 (2003), which permits the Department to withhold information subject to section 261.201 of the Family Code from public release without the necessity of requesting an attorney general ruling. The information at issue are the names of children receiving services in child specific contracts with DePelchin's Children's Center related to item R002438. Accordingly, we will redact the name information subject to this previous determination.

Office of the Attorney General – Justin Gordon
July 14, 2022

With respect to the remainder of the requests in Attachment A, the Department will either release the responsive information or will notify the requestor that the Department does not have information responsive to the request.

Please use DFPS Reference Number R002431-062322 when discussing this request for ruling. This letter was deposited into intraoffice mail on July 14, 2022. DFPS was closed on July 4, 2022 for Independence Day.

Sincerely,

A handwritten signature in cursive script that reads "Susan E. Tennyson".

Susan E. Tennyson
DFPS Open Records Attorney
Texas Department of Family and Protective Services
Department Mail Code E611
P.O. Box 149030
Austin, Texas 78714-9030

Attachments

cc: Robert Montoya
rmontoya@texasscorecard.com
Requestor, w/o Attachments