



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

August 29, 1990

Mr. J. Gentry Barden  
General Counsel  
Texas National Research  
Laboratory Commission  
1801 N. Hampton Rd., Suite 400  
DeSoto, Texas 75115

OR90-409

Dear Mr. Barden:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9276.

The Texas National Research Laboratory Commission (the commission) received an open records request for a "consolidated summary list of property owners in Ellis County to whom information packets and notices were mailed . . . regarding inter alia property and/or right-of-way acquisition plans in connection with proposed construction of the Superconducting Super Collider." You contend that the requested information is deemed confidential by federal statute and federal regulation and so is excepted from required public disclosure pursuant to section 3(a)(1) of the Open Records Act.

The federal regulation to which you refer was promulgated pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. § 4601 et seq. 49 C.F.R. . . § 24.9(b) (1989) provides:

Confidentiality of records. Records maintained by an Agency in accordance with this part are confidential regarding their use as public information, unless applicable law provides otherwise.

This regulation recognizes that laws other than the federal act may govern the accessibility of records held by agencies administering federal land acquisition programs. In this instance, the requested records are held by a governmental body as defined in section 2 of the Open Records Act and

consequently those records are subject to the provisions of that act; the federal regulation does not, in and of itself, make any information held by the commission confidential.

Section 3(a) of the Open Records Act provides that "all information collected, assembled, or maintained by or for governmental bodies . . . is public information" unless the information comes under the protection of one of the act's exceptions. Section 3(a)(1) of the act protects "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." You have not demonstrated that the requested information is deemed confidential by law, nor is this office aware of any law that makes this information confidential. You have raised none of the act's other exceptions with regard to the requested information; consequently the information must be released.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-409.

Yours very truly,



Jim Moellinger  
Assistant Attorney General  
Opinion Committee

JM/RWP/le

Ref.: ID# 9276  
ID# 9420  
ID# 9593

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