



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 16, 1998

Mr. Dennis J. Eichelbaum  
Schwartz & Eichelbaum, P.C.  
General Counsel  
3700 Ross Avenue, Box 69  
Dallas, Texas 75204-5491

OR98-0151

Dear Mr. Eichelbaum:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112615.

The Dallas Independent School District (the "district"), which you represent, received a request for information relating to 1) the purchases of several properties, 2) payments to the Collins Company for services rendered, and 3) written correspondence between the district and the Collins Company. You only submit information and correspondence concerning one of the district's properties. We assume that you have released the remaining requested information to the requestor. You assert that the submitted information is excepted from disclosure under section 552.105 of the Government Code. We have considered the exception you claim and have reviewed the documents submitted.

Section 552.105 excepts from disclosure information relating to

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Section 552.105 is designed to protect a governmental body's planning and negotiating position with regard to particular transactions, and its protection is therefore limited in duration. Open Records Decision Nos. 564 (1990), 357 (1982), 310 (1982). Information excepted under section 552.105 that pertains to such negotiations may be excepted so long as the transaction is not complete. Open Records Decision No. 310 (1982). The protection of section 552.105 generally expires upon the governmental body's acquisition of the

property in question. Open Records Decision No. 222 (1979). Because this exception extends to "information pertaining to" the location, appraisals, and purchase price of property, it may protect more than a specific appraisal report prepared for a specific piece of property. Open Records Decision No. 564 (1990) at 2. A governmental body may withhold information "which, if released, would impair or tend to impair [its] 'planning and negotiating position in regard to particular transactions.'" Open Records Decision No. 357 (1982) at 3 (quoting Open Records Decision No. 222 (1979)).

You explain that the district is currently considering an offer to purchase the property, and the sale has not been consummated. Based on your arguments, we conclude that you may withhold the information, which we have marked, under section 552.105.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref: ID# 112615

Enclosures: Marked documents

cc: Mr. Steve McGonigle  
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(w/o enclosures)