



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 25, 2009

Ms. Dolores Alvarado Hibbs
General Counsel
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

OR2009-13562

Dear Ms. Hibbs:

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# 356599 (TDA-PIR-09-0502).

The Texas Department of Agriculture (the "department") received a request for information pertaining to Port Elevator-Brownsville, L.C.'s department license. You state you have released some of the responsive information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information protected by other statutes. Section 14.012 of the Agricultural Code provides in relevant part as follows:

(a) The following information, prepared by the department in the course of its regulatory authority under this chapter or required to be submitted to the department in accordance with the department's administration of this chapter, is confidential and not subject to public disclosure:

- (1) inspection or investigation reports containing information regarding grain inventory; and
- (2) financial information provided to the department to establish net worth for purposes of licensing.

Agric. Code § 14.012(a). You state the submitted information consists of documents obtained by the department in connection with its ongoing regulatory role in certifying, licensing, and evaluating grain warehouses. You also state the submitted information is

comprised of financial information required of grain warehouse operators by the department, and that this information is used to establish net worth for purposes of licensing. You do not inform this office any of the release provisions of section 14.012(b) or the limitations of section 14.011 apply to the information. *See id.* §§ 14.011, 14.012(b). Based upon your representations and our review, we find the submitted information is confidential under section 14.012 of the Agriculture Code and must be withheld pursuant to section 552.101 of the Government Code.

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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Karen E. Stack
Assistant Attorney General
Open Records Division

KES/jb

Ref: ID# 356599

Enc. Submitted documents

c: Requestor
(w/o enclosures)