



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 8, 2010

Ms. Rebecca Merrill
Assistant General Counsel
Teacher Retirement System of Texas
1000 Red River Street
Austin, Texas 78701-2698

OR2010-16857

Dear Ms. Merrill:

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# 402043.

The Teacher Retirement System of Texas (the "system") received a request for electronic correspondence between specified staff members and Board of Trustee members from January 1, 2006 to September 15, 2010.¹ You inform us you will redact home telephone numbers, home addresses, social security numbers, and family member information subject to section 552.117 of the Government Code under section 552.024 of the Government Code.² You state you will redact information under sections 552.136 and 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).³ You also state you

¹We note the system sought and received clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request).

²*See* Gov't Code § 552.024(c)(2) (if employee or official or former employee or official chooses not to allow public access to his or her personal information, the governmental body may redact the information without the necessity of requesting a decision from this office).

³We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including bank account and routing numbers under section 552.136 of the Government Code and an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

will redact system participant records under section 825.507 of the Government Code.⁴ You state you will make some information available to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.104, 552.106, 552.107, 552.110, 552.111, 552.116, 552.139, and 552.143 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.⁵ We have also received and considered comments submitted by the requestor. *See Gov't Code* § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, the requestor asserts the system seeks to withhold some information responsive to this request that was previously released to the public. In support of her claim regarding information previously released to the public, the requestor has provided this office with several documents that reflect the system has released some information that may be responsive to the instant request for information. We acknowledge that the Act does not permit selective disclosure of information to the public. *See id.* §§ 552.007(b), .021; Open Records Decision No. 463 at 1-2 (1987). We also note that information that has been voluntarily released to a member of the public may not subsequently be withheld from another member of the public, unless public disclosure of the information is expressly prohibited by law or the information is confidential under law. *See Gov't Code* § 552.007(a); Open Records Decision Nos. 518 at 3 (1989), 490 at 2 (1988). However, we note that the documents the requestor has submitted in support of her claim are not included in the information the system has submitted to our office for review. We also note that the system acknowledges that it will make some responsive information available to the requestor. Accordingly, we understand the system does not seek to withhold any information that was previously released.

Next, the system states some responsive information may be present on magnetic backup tapes maintained only for disaster recovery or business continuity purposes. In general, computer software programs keep track of the location of files by storing the location of data in the "file allocation table" (FAT) of a computer's hard drive. The software then displays the file as being in a specific storage location. Usually, but not always, when a file is "deleted," it is not actually deleted, but the display of the location is merely shown to be moved to a "trash bin" or "recycle bin." Later, when files are "deleted" or "emptied" from these "trash bins," the data is usually not deleted, but the location of the data is deleted from the FAT. Some software programs immediately delete the location information from the

⁴We understand this information is being redacted pursuant to the previous determination issued to the system in Open Records Letter No. 2001-4873 (2001). *See Gov't Code* § 552.301(a); Open Records Decision No. 673 at 7-8 (2001).

⁵We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision* Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

FAT when a file is deleted. Once the location reference is deleted from the FAT, the data may be overwritten and permanently removed.

You state that to restore the information at issue, the system would be required to load the backup tapes and restore the data contained on each tape. Based on this representation, we find you have demonstrated that the locations of the computer files at issue have been deleted from the FAT system. Therefore, we find that any of the requested information that existed only in backup tapes at the time of the request was no longer being "maintained" by the system at the time of the request, and is not public information subject to disclosure under the Act. *See Econ. Opportunities Dev. Corp.*, 562 S.W.2d at 266; *see also* Gov't Code §§ 552.002, .021 (public information consists of information collected, assembled, or maintained by or for governmental body in connection with transaction of official business). Accordingly, we conclude that in this instance, the Act does not require the system to release any responsive information that was stored remotely on the system's backup tapes on the date of the present request.

Next, you inform us some of the responsive information was the subject of several previous requests for information, in response to which this office issued Open Records Letter Nos. 2007-04194 (2007), 2007-16107 (2007), 2008-06054 (2008), 2008-08178 (2008), and 2008-16953 (2008). To the extent the responsive information is identical to the information previously ruled upon by this office, we conclude, as we have no indication that the law, facts, and circumstances on which the prior rulings were based have changed, the system may continue to rely on Open Records Letter Nos. 2007-04194, 2007-16107, 2008-06054, 2008-08178, and 2008-16953 as previous determinations and withhold or release the identical information in accordance with those rulings. *See* Open Records Decision No. 673 (2001) (so long as law, facts, 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). To the extent the submitted information is not encompassed by the previous rulings, we will address your arguments against disclosure.

We note Exhibits D.5, D.10, and I.3 consist of completed reports, which are subject to section 552.022(a)(1) of the Government Code. Section 552.022(a)(1) provides for the required public disclosure of "a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108." Gov't Code § 552.022(a)(1). Although you raise sections 552.107 and 552.116 of the Government Code for this information, these sections are discretionary exceptions to disclosure that protect the governmental body's interests and may be waived. *See* Open Records Decision Nos. 676 at 6 (2002) (section 552.107 is not other law for purposes of section 552.022), 665 at 2 n.5 (2000) (discretionary exceptions generally). As such, sections 552.107 and 552.116 are not other law that make information confidential for the purposes of section 552.022. Therefore, the system may not withhold the information at issue under these exceptions. However, the Texas Supreme Court has held that the Texas Rules of Evidence are "other

law” that make information expressly confidential for the purposes of section 552.022. *See In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001). We will therefore consider your assertion of the attorney-client privilege under Texas Rule of Evidence 503 for the completed reports that are subject to section 552.022(a)(1) in Exhibits D.5 and D.10. You also raise sections 552.101 and 552.139 for the completed audit report in Exhibit I.3. Because these exceptions are also “other law” for the purposes of section 552.022 we will consider your claims under sections 552.101 and 552.139 for the information at issue.

Texas Rule of Evidence 503(b)(1) provides as follows:

A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:

- (A) between the client or a representative of the client and the client’s lawyer or a representative of the lawyer;
- (B) between the lawyer and the lawyer’s representative;
- (C) by the client or a representative of the client, or the client’s lawyer or a representative of the lawyer, to a lawyer or a representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein;
- (D) between representatives of the client or between the client and a representative of the client; or
- (E) among lawyers and their representatives representing the same client.

TEX. R. EVID. 503. A communication is “confidential” if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication. *Id.* 503(a)(5). Thus, in order to withhold attorney-client privileged information from disclosure under Rule 503, a governmental body must: (1) show that the document is a communication transmitted between privileged parties or reveals a confidential communication; (2) identify the parties involved in the communication; and (3) show that the communication is confidential by explaining that it was not intended to be disclosed to third persons and that it was made in furtherance of the rendition of professional legal services to the client. Upon a demonstration of all three factors, the information is privileged and confidential under Rule 503, provided the client has not waived the privilege or the document does not fall within the purview of the exceptions to the privilege enumerated in Rule 503(d). *Pittsburgh Corning Corp. v. Caldwell*, 861 S.W.2d 423, 427 (Tex. App.—Houston [14th Dist.] 1993, no writ).

You explain the completed reports in Exhibits D.5 and D.10 consist of communications between system attorneys and the system's staff and board members. You also state the communications were intended to be confidential and that they have remained confidential. Based on your representations and our review, we agree the completed reports in Exhibits D.5 and D.10 are privileged attorney-client communications. Therefore, the system may withhold the completed reports in Exhibits D.5 and D.10 under Rule 503.

Next, you assert the completed report in Exhibit I.3 is excepted from disclosure under section 552.139 of the Government Code, which provides:

(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted information under Section 2059.055 [of the Government Code], or to the design, operation, or defense of a computer network.

(b) The following information is confidential:

(1) a computer network vulnerability report; and

(2) any other assessment of the extent to which data processing operations, a computer, or a computer program, network, system, or system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent to which the governmental body's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure, or inappropriate use.

Gov't Code § 552.139. You state Exhibit I.3 consists of a technology vulnerability audit report conducted by the system. The report is an assessment of the system's computer security network. Based on your representations and our review, we conclude the system must withhold Exhibit I.3. under section 552.139 of the Government Code.⁶

Next, we consider your argument under section 552.107 of the Government Code for the information you have marked that is not subject to section 552.022(a)(1). Section 552.107(1) protects information coming within the attorney-client privilege. The elements of the privilege under section 552.107 are the same as those discussed for Rule 503. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

⁶As our ruling on this information is dispositive, we do not address your remaining argument against disclosure for this information.

You state that the information at issue constitutes communications between system attorneys, including attorneys representing the system from the office of the Attorney General, and system staff and board members. You state these communications were made in furtherance of the rendition of legal services to the system, and you inform this office that these communications have remained confidential. Based on your representations and our review, we agree that the information at issue constitutes privileged attorney-client communications. Accordingly, the system may withhold the information you have marked in the remaining submitted documents under section 552.107 of the Government Code.⁷

Next, we address your argument under section 552.111 for portions of the remaining information. Section 552.111 excepts from disclosure “an interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with the agency.” Gov’t Code § 552.111. This exception encompasses the deliberative process privilege. *See* Open Records Decision No. 615 at 2 (1993). The purpose of section 552.111 is to protect advice, opinion, and recommendation in the decisional process and to encourage open and frank discussion in the deliberative process. *See Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.—San Antonio 1982, no writ); Open Records Decision No. 538 at 1-2 (1990).

In Open Records Decision No. 615, this office re-examined the statutory predecessor to section 552.111 in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.—Austin 1992, no writ). We determined section 552.111 excepts from disclosure only those internal communications that consist of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. *See* ORD 615 at 5. A governmental body’s policymaking functions do not encompass routine internal administrative or personnel matters, and disclosure of information about such matters will not inhibit free discussion of policy issues among agency personnel. *Id.*; *see also City of Garland v. Dallas Morning News*, 22 S.W.3d 351 (Tex. 2000) (section 552.111 not applicable to personnel-related communications that did not involve policymaking). A governmental body’s policymaking functions do include administrative and personnel matters of broad scope that affect the governmental body’s policy mission. *See* Open Records Decision No. 631 at 3 (1995).

Further, section 552.111 does not protect facts and written observations of facts and events that are severable from advice, opinions, and recommendations. *Arlington Indep. Sch. Dist. v. Tex. Attorney Gen.*, 37 S.W.3d 152 (Tex. App.—Austin 2001, no pet.); *see* ORD 615 at 5. But if factual information is so inextricably intertwined with material involving advice, opinion, or recommendation as to make severance of the factual data impractical, the factual information also may be withheld under section 552.111. *See* Open Records Decision No. 313 at 3 (1982).

⁷As our ruling on this information is dispositive, we do not address your remaining arguments against disclosure for this information.

This office has also concluded a preliminary draft of a document that is intended for public release in its final form necessarily represents the drafter's advice, opinion, and recommendation with regard to the form and content of the final document, so as to be excepted from disclosure under section 552.111. *See* Open Records Decision No. 559 at 2 (1990) (applying statutory predecessor). Section 552.111 protects factual information in the draft that also will be included in the final version of the document. *See id.* at 2-3. Thus, section 552.111 encompasses the entire contents, including comments, underlining, deletions, and proofreading marks, of a preliminary draft of a policymaking document that will be released to the public in its final form. *See id.* at 2.

You state the remaining information you have marked consists of e-mails representing the advice, opinion, and recommendations of system staff and board members pertaining to specified policymaking matters. Upon review, we determine that you may withhold the information we have marked under section 552.111 of the Government Code.⁸ However, we find the remaining information at issue consists either of general administrative information that does not relate to policymaking or information that is purely factual in nature. Thus, we find you have not established that the remaining information at issue consists of advice, opinion, or recommendation for section 552.111 purposes. Accordingly, no portion of the remaining information may be withheld on this basis.

We next address your argument under section 552.106 of the Government Code for the information you have marked in Exhibit O.2.⁹ Section 552.106 excepts from disclosure "[a] draft or working paper involved in the preparation of proposed legislation[.]" Gov't Code § 552.106(a). The purpose of section 552.106 is to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the members of the legislative body. *See* Open Records Decision No. 460 at 1-2 (1987). Therefore, section 552.106 is applicable only to the policy judgments, recommendations, and proposals of persons who are involved in the preparation of proposed legislation and who have an official responsibility to provide such information to members of the legislative body. *See id.* at 2; *see also* Open Records Decision No. 429 at 5 (1985) (statutory predecessor to section 552.106 not applicable to information relating to governmental entity's efforts to persuade other governmental entities to enact particular ordinances). Section 552.106 only protects policy judgments, advice, opinions, and recommendations involved in the preparation or evaluation of proposed legislation; it does not except purely factual information from public disclosure. *See* ORD 460 at 2. Based on your representations and our review, we agree the system may withhold the information you have marked in Exhibit O.2 under section 552.106 of the Government Code.

⁸As our ruling is dispositive, we need not address your remaining arguments against disclosure for this information.

⁹Although your brief indicates you are also raising section 552.106 for Exhibit O.3, you have not submitted Exhibit O.3 for our review, nor do you make any arguments for this Exhibit. Therefore, we assume you no longer assert section 552.106 for this Exhibit. *See* Gov't Code §§ 552.301, .302.

You assert some of the remaining submitted information is excepted from disclosure under section 552.143 of the Government Code. Section 552.143 provides in part the following:

(a) All information prepared or provided by a private investment fund and held by a governmental body that is not listed in Section 552.0225(b) is confidential and excepted from the requirements of Section 552.021.

(b) Unless the information has been publicly released, pre-investment and post-investment diligence information, including reviews and analyses, prepared or maintained by a governmental body or a private investment fund is confidential and excepted from the requirements of Section 552.021, except to the extent it is subject to disclosure under Subsection (c).

Gov't Code § 552.143 (a), (b). You state some of the remaining information consists of information held by the system that was prepared and provided by private investment funds. You inform us that the information you seek to withhold is not subject to section 552.0225(b). *See id.* § 552.0225(b) (listing categories of information held by governmental body relating to its investments that are public and not excepted from disclosure under the Act). Based on your representations and our review, we agree the system must withhold the information you have marked in Exhibits J.1, J.7.1., J.7.2, J.7.3, K.2, and K.3 under section 552.143(a). You also state portions of the remaining information consist of pre- and post-investment due diligence information about the system's investments and proposed investment opportunities. You inform us that the system did not invest in funds or investment entities related to some of the proposed programs. You also inform us that the information at issue has not been released to the public. Based on your representations and our review of the information at issue, we agree that the system must withhold the information we have marked under section 552.143(b) of the Government Code.¹⁰ However, none of the remaining information may be withheld on this basis.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. You raise section 552.101 in conjunction with the common-law informer's privilege, which Texas courts have long recognized. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). The informer's privilege protects the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided that the subject of the information does not already know the informer's identity. *See Open Records Decision Nos. 515 at 3 (1998), 208 at 1-2 (1978)*. The privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." *See Open Records*

¹⁰As our ruling is dispositive, we need not address your remaining arguments against disclosure for this information.

Decision No. 279 at 2 (1981) (citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961)). The report must be of a violation of a criminal or civil statute. *See* Open Records Decision Nos. 582 at 2 (1990), 515 at 4-5. The privilege excepts the informer's statement only to the extent necessary to protect the informer's identity. *See* Open Records Decision No. 549 at 5 (1990).

You have marked portions of the remaining information that you seek to withhold under the informer's privilege. Although you state the information you have marked identifies an individual who believed he was reporting a possible violation of the law, you have not sufficiently demonstrated that a violation of a criminal or civil statute was reported to an official having a duty of inspection or of law enforcement. Accordingly, we find you have failed to demonstrate the informer's privilege is applicable to the information at issue. Thus, the system may not withhold any of the submitted information under section 552.101 of the Government Code in conjunction with the informer's privilege.

You seek to withhold some of the remaining information, Exhibits D.16 through D.18, under section 552.101 of the Government Code in conjunction with the doctrine of common-law privacy. Section 552.101 also encompasses common-law privacy, which protects information that is highly intimate or embarrassing, such that its release would be highly objectionable to a person of ordinary sensibilities, and of no legitimate public interest. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Common-law privacy encompasses certain types of personal financial information. Financial information that relates only to an individual ordinarily satisfies the first element of the common-law privacy test, but the public has a legitimate interest in the essential facts about a financial transaction between an individual and a governmental body. *See* Open Records Decision Nos. 600 at 9-12 (1992) (identifying public and private portions of certain state personnel records), 545 at 4 (1990) (attorney general has found kinds of financial information not excepted from public disclosure by common-law privacy to generally be those regarding receipt of governmental funds or debts owed to governmental entities), 523 at 4 (1989) (noting distinction under common-law privacy between confidential background financial information furnished to public body about individual and basic facts regarding particular financial transaction between individual and public body). Whether financial information is subject to a legitimate public interest and, therefore, not protected by common-law privacy must be determined on a case-by-case basis. *See* Open Records Decision No. 373 (1983). We note the public generally has a legitimate interest in information that relates to public employment and public employees, and information that pertains to an employee's actions as a public servant generally cannot be considered beyond the realm of legitimate public interest. *See* Open Records Decisions Nos. 470 at 4 (1987) (public has legitimate interest in job qualifications and performance of public employees); 444 at 5-6 (1986) (public has legitimate interest in knowing reasons for dismissal, demotion, promotion, or resignation of public employees); 423 at 2 (scope of public employee privacy is narrow).

You state the information in Exhibits D.16 through D.18 was gathered by the system as it "considered indemnifying a then-former trustee for legal bills incurred in his official

capacity.” You inform us that the system ultimately declined to pay for those services. We find that because the individual at issue sought reimbursement from the system for these expenses, the public has a legitimate interest in the information, and therefore, the information at issue is not protected under common-law privacy. Accordingly, the system may not withhold any portion of Exhibits D.16 through D.18 under section 552.101 in conjunction with common-law privacy.

Next, you seek to withhold the remaining marked portions of Exhibit C and Exhibit N-1 under section 552.104 of the Government Code. Section 552.104 protects from required public disclosure “information that, if released, would give advantage to a competitor or bidder.” Gov’t Code § 552.104. This exception protects a governmental body’s interests in connection with competitive bidding and in certain other competitive situations. *See* Open Records Decision No. 593 (1991) (construing statutory predecessor). This office has held that a governmental body may seek protection as a competitor in the marketplace under section 552.104 and avail itself of the “competitive advantage” aspect of this exception if it can satisfy two criteria. *See id.* First, the governmental body must demonstrate that it has specific marketplace interests. *See id.* at 3. Second, the governmental body must demonstrate a specific threat of actual or potential harm to its interests in a particular competitive situation. *See id.* at 5. Thus, the question of whether the release of particular information will harm a governmental body’s legitimate interests as a competitor in a marketplace depends on the sufficiency of the governmental body’s demonstration of the prospect of specific harm to its marketplace interests in a particular competitive situation. *See id.* at 10. A general allegation of a remote possibility of harm is not sufficient. *See* Open Records Decision No. 514 at 2 (1988).

You state the system has marketplace interests with regard to the information at issue because the system “regularly seeks to engage the firm best suited to serve as actuary and pension consultants.” Upon review, however, we find you have failed to establish that release of the information at issue would cause a specific threat of actual or potential harm to the system’s interests in a specific competitive situation. Accordingly, the system may not withhold any of the information at issue under section 552.104 of the Government Code.

Next, you raise section 552.116 of the Government Code for portions of the remaining information. Section 552.116 provides as follows:

- (a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, a municipality, a school district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public school employee, is excepted from the requirements of Section 552.021. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of Section 552.021 by this section.

(b) In this section:

(1) 'Audit' means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

(2) 'Audit working paper' includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including:

(A) intra-agency and interagency communications; and

(B) drafts of the audit report or portions of those drafts.

Gov't Code § 552.116. You assert Exhibits I.1 and I.2 consist of audit working papers created by system employees pursuant to an audit performed by the system's internal auditor pursuant to chapter 2102 of the Government Code. *See id.* § 2102.007 (relating to the duties of an internal auditor); .005 (requiring state agencies to conduct internal audit programs); .003 (defining types of audits). Based on your representations and our review, we agree the system may withhold the communications in Exhibits I.1 and I.2 under section 552.116 of the Government Code.¹¹

In summary, to the extent any of the responsive information is identical to the information previously ruled upon by this office, we conclude, as we have no indication that the law, facts, and circumstances on which the prior rulings were based have changed, the system may continue to rely on Open Records Letter Nos. 2007-04194, 2007-16107, 2008-06054, 2008-08178, and 2008-16953 as previous determinations and withhold or release the identical information in accordance with those rulings. The system may withhold the completed reports in Exhibits D.5 and D.10 under rule 503 of the Texas Rules of Evidence. The system must withhold Exhibit I.3 under section 552.139 of the Government Code. The system may withhold the information it has marked under section 552.107 of the Government Code. The system may withhold the information we have marked under section 552.111 of the Government Code. The system may withhold the information you have marked in Exhibit O.2 under section 552.106 of the Government Code. The system must withhold the information you have marked in Exhibits J.1, J.7.1., J.7.2, J.7.3, K.2, and K.3 under section 552.143(a) and the information we have marked under section 552.143(b)

¹¹As our ruling is dispositive, we need not address your remaining arguments against disclosure for this information.

of the Government Code. The system may withhold Exhibits I.1 and I.2 under section 552.116 of the Government Code. The remaining information must be released to the requestor.

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,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/tp

Ref: ID# 402043

Enc. Submitted documents

c: Requestor
(w/o enclosures)