



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 3, 2011

Mr. Miles J. LeBlanc  
Assistant General Counsel  
Houston Independent School District  
440 West 18<sup>th</sup> Street  
Houston, Texas 77092-8501

OR2011-03034

Dear Mr. LeBlanc:

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# 411613.

The Houston Independent School District (the "district") received a request for the 2009-2010 award estimates for the ASPIRE Award program. You claim the submitted information is excepted from disclosure under section 552.111 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

We note the information at issue falls within the scope of section 552.022(a)(5) of the Government Code. You state the information at issue consists of a spreadsheet containing ASPIRE Award estimates. Thus, the information at issue is subject to section 552.022(a)(5), which provides for required public disclosure of "all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, on completion of the estimate," unless the information is expressly

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<sup>1</sup>We assume the "representative sample" of information 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 those records contain substantially different types of information than those submitted to this office.

confidential under other law. Gov't Code § 552.022(a)(5). Although you seek to withhold the information at issue under section 552.111 of the Government Code, that section is a discretionary exception to disclosure that protects a governmental body's interests, and may be waived. *See id.* § 552.007; Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 470 at 7 (1987) (statutory predecessor to Gov't Code § 552.111 subject to waiver). As such, section 552.111 is not other law that makes information confidential for the purposes of section 552.022. Therefore, the district may not withhold any of the information at issue under section 552.111. As you raise no further exceptions to disclosure, the information at issue must be released to the requestor pursuant to section 552.022(a)(5) 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](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,



Sean Nottingham  
Assistant Attorney General  
Open Records Division

SN/eeg

Ref: ID# 411613

Enc. Submitted documents

c: Requestor  
(w/o enclosures)