



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 21, 2011

Mr. James G. Nolan
Assistant General Counsel
Open Records Section
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711-3528

OR2011-10483

Dear Mr. Nolan:

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# 424986 (CPA ORTS # 7198966404).

The Texas Comptroller of Public Accounts (the "comptroller") received a request for information regarding certain types of redemptions from hedge funds made by the Texas Treasure Safekeeping Trust Company. You claim the submitted information is excepted from disclosure under section 552.143 of the Government Code. You also state release of the submitted information may implicate the proprietary interests of a third party. Accordingly, you provide documentation showing you have notified the third party of the request and their right to submit arguments to this office. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the claimed exception and reviewed the submitted information.

You contend the submitted information is excepted from disclosure under section 552.143 of the Government Code. This section provides "[a]ll 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 [required public disclosure]." Gov't Code § 552.143(a). You state the submitted information was provided by a private investment fund. You inform us 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 of the information at issue, we agree the comptroller must withhold the submitted information under section 552.143 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,



Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/agn

Ref: ID # 424986

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Sherri Rossoff
Managing Director
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1133 Connecticut Avenue, Northwest
Washington, DC 20036
(w/o enclosures)