



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 26, 2013

Mr. Ian M. Steusloff
Assistant General Counsel
Texas Ethics Commission
P.O. Box 12070
Austin, Texas 78711-2070

OR2013-20635

Dear Mr. Steusloff:

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# 508136 (TEC ID# 31459).

The Texas Ethics Commission (the "commission") received a request for seven types of information between the commission and any of sixteen named individuals and entities for a specified time period.¹ You state the commission has released some of the requested 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.

Initially, you state portions of the submitted information were previously released to a different requestor in response to a request for information. The Act does not permit the selective disclosure of information. *See* Gov't Code § 552.007; Open Records Decision No. 463 at 1-2 (1987). Section 552.007 of the Government Code provides if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold such information from further disclosure, unless its public release is

¹You state the requestor narrowed his request for information. *See* Gov't Code § 552.222(b) (stating that if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used).

expressly prohibited by law or the information is confidential by law. *See* Gov't Code § 552.007; Open Records Decision No. 518 at 3 (1989). Accordingly, pursuant to section 552.007, the commission may not now withhold the previously released information, unless its release is expressly prohibited by law or the information is confidential by law. Because section 552.101 of the Government Code makes information confidential for the purposes of section 552.007, we will address your argument under section 552.101 for the information that was previously released, as well as for the remaining information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. Section 571.091 of the Government Code requires the commission to prepare a written opinion that answers an advisory opinion request from a person who has standing to request such an opinion. *Id.* § 571.091; *see also* 1 T.A.C. § 8.3. Section 571.093 of the Government Code provides the following:

(a) The commission shall maintain the confidentiality of the name of the person requesting an advisory opinion and shall issue opinions in a form necessary to maintain that confidentiality.

(b) The commission may not issue an opinion that includes the name of any person who may be affected by the opinion.

(c) Subsections (a) and (b) do not apply to a person who requests an opinion and files written notice with the commission waiving the confidentiality of the person's identity.

Gov't Code § 571.093; *see* 1 T.A.C. § 8.19. You seek to withhold the submitted information in its entirety under section 571.093 because its release would identify an individual who requested an advisory opinion from the commission. You state the individual at issue has not waived confidentiality of his or her identity. *See* Gov't Code § 571.093(c). Upon review, we find you have demonstrated the submitted information is subject to section 571.093 and, in this instance, must be withheld in its entirety. Therefore, the commission must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with section 571.093 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.texasattorneygeneral.gov/open/>

[orl_ruling_info.shtml](#), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "Lindsay E. Hale". The signature is written in black ink and is positioned above the typed name.

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/tch

Ref: ID# 508136

Enc. Submitted documents

c: Requestor
(w/o enclosures)