



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 13, 2014

Ms. Laura Russell  
Attorney  
Texas Parks & Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

OR2014-14158

Dear Ms. Russell:

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# 532681 (TPWD # 2014-05-R41).

The Texas Parks & Wildlife Department (the "department") received a request for private oyster harvest permits, monthly harvest reports, trip ticket records, and reports on landing and vessel values for named parties for a specified time period. 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 representative sample of information.<sup>1</sup>

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. Section 552.101 encompasses information protected by federal law, such as the Magnuson-Stevens Fishery Conservation and Management Act ("MSA"). *See generally* 16 U.S.C. §§ 1801 *et seq.* The MSA requires the Secretary of Commerce to develop recommendations for the implementation of a standardized fishing vessel registration and information management system to collect and manage fisheries information on a regional basis. *See id.* § 1881(a); *see also id.* § 1853 (detailing contents of required fishery management plans). Section 1881a of the MSA provides, in part, "[a]ny information

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<sup>1</sup>We 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.

submitted to . . . a marine fisheries commission by any person in compliance with the requirements of this chapter shall be confidential and shall not be disclosed” except as provided by section 1881a(b)(1)(A)-(H). *Id.* § 1881a(b)(1). We note the term “marine fisheries commission” under the MSA includes the Gulf States Marine Fisheries Commission (“GSMFC”). *See id.* § 1802(28). You state the department is a member of the GSMFC. You inform us trip tickets are the method through which the department collects marine commercial landings data, which is shared with the GSMFC for the purpose of complying with the MSA. Thus, you state the submitted information consists of information submitted to the department under section 1881a of the MSA. Further, you state none of the exceptions to confidentiality under section 1881a apply in this instance. *See id.* § 1881a(b)(1)(A)-(H). Based on your representations and our review, we find section 1881a is applicable to the submitted information. Therefore, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 1881a(b)(1) of title 16 of the United States 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](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,



Cristian Rosas-Grillet  
Assistant Attorney General  
Open Records Division

CRG/dls

Ref: ID# 532681

Enc. Submitted documents

c: Requestor  
(w/o enclosures)