



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 5, 2016

Mr. Joseph DeCenzo
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2016-26841

Dear Mr. DeCenzo:

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# 636380 (ORR# W138292-091216).

The City of San Antonio (the "city") received a request for a specified report.¹ The city claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information. We have also 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).

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. This section encompasses section 191.004 of the Natural Resources Code, which reads as follows:

¹We note the city received a second request for this information, but that requestor later withdrew her request voluntarily.

(a) Information specifying the location of any site or item declared to be a state archeological landmark under Subchapter D of this chapter is not public information.

(b) Information specifying the location or nature of an activity covered by a permit or an application for a permit under this chapter is not public information.

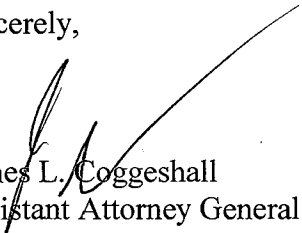
(c) Information specifying details of a survey to locate state archeological landmarks under this chapter is not public information.

Nat. Res. Code § 191.004. The submitted information consists of a document title “Historial Resources Studies” for a proposed redevelopment of a particular area of the city. The city asserts the information it has marked reveals the locations of archaeological sites. The city also indicates these archeological sites are state archeological landmarks for purposes of chapter 191 of the Natural Resources Code. *See id.* § 191.092(a). Upon review, we find the marked information qualifies as “information specifying the location of any site or item declared to be a state archeological landmark” and “information specifying details of a survey to locate state archeological landmarks” for purposes of section 191.004. Therefore, the city must withhold the information it has marked under section 552.101 of the Government Code in conjunction with section 191.004 of the Natural Resources Code. The city must release the remaining information.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 636380

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)