



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 7, 2016

Mr. Ken Levine  
Director  
Sunset Advisory Commission  
P. O. Box 13066  
Austin, Texas 78711-3066

OR2016-27042

Dear Mr. Levine:

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# 636739.

The Sunset Advisory Commission (the "commission") received two requests for all correspondence or documents received by the commission from a named entity pertaining to specified topics and communications between the commission and the named entity regarding five categories of information. You state the commission will rely on Open Records Letter No. 2011-01970 (2011) with respect to some of the requested information.<sup>1</sup> See Open Records Decision No. 673 at 6-7 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure). You claim the submitted information is

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<sup>1</sup>In Open Records Letter No. 2011-01970, this office issued a previous determination that authorizes the commission to withhold working papers, including all documentary or other information, prepared or maintained by the commission staff in performing its duties to conduct an evaluation and prepare a report, under section 552.101 of the Government Code in conjunction with section 325.0195 of the Government Code without the necessity of requesting an attorney general decision with regard to the applicability of this exception.

excepted from disclosure under sections 552.101 and 552.106 of the Government Code. We have considered the exceptions you claim and reviewed the submitted 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. Section 552.101 encompasses information protected by other statutes, including section 325.0195 of the Government Code. Section 325.0195 provides, in relevant part:

- (a) A working paper, including all documentary or other information, prepared or maintained by the commission staff in performing its duties under this chapter or other law to conduct an evaluation and prepare a report is excepted from the public disclosure requirements of Section 552.021.

*Id.* § 325.0195(a). You state the submitted information at issue consists of communications between the commission staff and the State Bar maintained by the commission for the purpose of preparing a report to the legislature. *See id.* § 325.010(a) (stating commission shall present at legislative session report on agencies reviewed to governor and legislature). Upon review, we determine the information at issue is confidential under section 325.0195. Accordingly, based on your representations and our review, we conclude the commission must withhold the information at issue under section 552.101 of the Government Code in conjunction with section 325.0195 of the Government Code.<sup>2</sup>

You ask this office to issue a previous determination under section 325.0195 allowing the commission to withhold working papers prepared or maintained by the commission to conduct an evaluation and prepare a report to the legislature. We note Open Records Letter No. 2011-01970 is a previous determination to the commission allowing it to withhold working papers, including all documentary or other information, prepared or maintained by the commission staff in performing its duties to conduct an evaluation and prepare a report under section 552.101 of the Government Code in conjunction with section 325.0195 of the Government Code. Thus, we decline to issue an additional previous determination.

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/>

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<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.

[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 black ink, appearing to read "Emily Kunst". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Emily Kunst  
Assistant Attorney General  
Open Records Division

EK/eb

Ref: ID# 636739

Enc. Submitted documents

c: Requestor  
(w/o enclosures)