



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 13, 2017

Ms. Jessica Vu
Public Information Coordinator
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR2017-07902

Dear Ms. Vu:

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# 653090 (OGC# 17-033).

The Office of the Governor (the "governor's office") received a request for communications between the governor's office and the National Governors Association (the "NGA") for a specified period of time. You state you will withhold access device numbers pursuant to section 552.136(c) of the Government Code and e-mail addresses under section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ Although the governor's office takes no position as to whether the submitted information is excepted under the Act, the governor's office informs us release of this information may implicate the proprietary interests of the NGA. Accordingly, the governor's office states it notified the NGA of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *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 received comments from the NGA. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why

¹Section 552.136(c) of the Government Code allows a governmental body to redact the information described in section 552.136(b) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

requested information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

The NGA asserts some of the submitted information is excepted from disclosure under sections 552.106 and 552.111 of the Government Code. We note these sections protect the interests of governmental bodies, as distinguished from exceptions that are intended to protect the interests of third parties. *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (governmental body may waive section 552.111). The governor's office does not raise section 552.106 or section 552.111. Therefore, we will not consider the NGA's arguments under these exceptions, and the governor's office may not withhold any of the submitted information under any of those grounds. As no other exceptions to disclosure have been raised, the governor's office must release the submitted 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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 653090

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)