



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 23, 2017

Mr. Neal Falgoust
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2017-19195

Dear Mr. Falgoust:

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# 670228 (PIR# 34634).

The City of Austin (the "city") received a request for certain information pertaining to individuals on a specified list. The city claims the submitted information is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception the city claims and reviewed the submitted representative sample of information.¹

Section 552.107(2) of the Government Code provides information is excepted from disclosure if "a court by order has prohibited disclosure of the information." Gov't Code § 552.107(2). The city has submitted a copy of a court order signed on November 7, 2014, by a judge in the United States District Court for the Western District of Texas, Austin Division, in the case styled *United States of America v. the City of Austin*, Civil Action No. 1:14-cv-00533-LY. The court order provides, in pertinent part, "all correspondence and communications between and among the [city and the Department of Justice (the "DOJ")] and their test developers, consultants, and/or experts in connection with performance of the

¹We assume 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 those records contain substantially different types of information than that submitted to this office.

obligations set forth in [this order] shall be held confidential and shall not be disclosed to any third party in the absence of a Court order compelling such disclosure, or the written consent of the adverse party, or as otherwise required by law.” The city explains the information was compiled and communicated by the city to its test administrator for the purposes of complying with the provisions of the order. The city states it has not received the consent of the DOJ to disclose the information to the requestor. Upon review of the information at issue, we agree a court by order has prohibited disclosure of the information at issue. Accordingly, the city must withhold the submitted information under section 552.107(2) 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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/tdw

Ref: ID# 670228

Enc. Submitted documents

c: Requestor
(w/o enclosures)