



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 16, 2017

Ms. Elizabeth Cater
Attorney
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR2017-23475

Dear Ms. Cater:

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# 684500 (ORR# 2017-08-R110).

The Texas Parks & Wildlife Department (the "department") received a request for information pertaining to oyster harvest trip tickets since November 1, 2014. The department claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹

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. §§ 1801-1803. The MSA requires the United States 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(b)(1) of the MSA provides "[a]ny

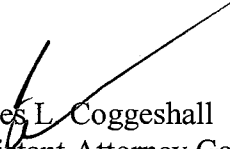
¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

information 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). The department informs us it is a member of the GSMFC. The department also explains trip tickets are the method through which it collects marine commercial landings data, which is shared with the GSMFC for purposes of complying with the MSA. Thus, the department states the requested documents consist of information submitted to the department under section 1881a of the MSA. The department also states the exceptions to confidentiality under section 1881a do not apply. *See id.* § 1881a(b)(1)(A)-(H). Based on these representations, we find section 1881a is applicable to the information at issue. 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, 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/sb

Ref: ID# 684500 (ORR# 2017-08-R110)

Enc. Submitted documents

c: Requestor
(w/o enclosures)