



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 11, 2018

Ms. Paige H. Saenz
General Counsel to COAERS
The Knight Law Firm, L.L.P.
223 West Anderson Lane, Suite A-105
Austin, Texas 78752

OR2018-00848

Dear Ms. Saenz:

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# 691345.

The City of Austin Employees Retirement System, Texas (the "system"), which you represent, received a request for information pertaining to specified board meeting agenda items. You state the system released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.104 and 552.143 of the Government Code. Additionally, you indicate release of this information may implicate the proprietary interests of AQR Capital Management, L.L.C., ("AQR"). Accordingly, you state, and provide documentation showing, you notified AQR 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 considered the exceptions you claim and reviewed the submitted information.

Section 552.143 of the Government Code provides, in relevant part, the following:

- (b) Unless the information has been publicly released, pre-investment and post-investment diligence information, including reviews and analyses, prepared for or maintained by a governmental body or a private investment fund is confidential and excepted from the requirements of Section 552.021, except to the extent it is subject to disclosure under Subsection (c).

Gov't Code § 552.143(b). You state the submitted information has not been publicly released and consists of pre-investment diligence information prepared for or maintained by the system. We find this information is not subject to section 552.0225 or section 552.143(c) of the Government Code. Accordingly, the system must withhold the submitted information under section 552.143(b) of the Government Code.¹

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,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/gw

Ref: ID# 691345

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Third Party
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining argument against disclosure or third-party interests.