



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 24, 2018

Mr. Mel Davis  
Special Projects Coordinator  
Texas State Soil and Water Conservation Board  
1497 Country View Lane  
Temple, Texas 76504-8806

OR2018-01529

Dear Mr. Davis:

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# 692986.

The Texas State Soil and Water Conservation Board (the "board") received a request for a list of poultry operations that have filed waste water plans. The board claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the board's claimed exception and reviewed the submitted representative sample of information.<sup>1</sup>

Initially, we note the requestor seeks only a list of poultry operations that have filed waste water plans with the board. The board has submitted documents that contain information beyond the requested information. Thus, the portions of the submitted documents that contain information beyond the requested information, which we have marked, are not responsive to the present request. This ruling does not address the public availability of any

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<sup>1</sup>We 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 that is not responsive to the request and the board is not required to release that information in response to the request.

Section 552.101 of the Government Code exempts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses section 201.006(a) of the Agriculture Code, which reads as follows:

(a) Except as provided by this section, information collected by the . . . board or a conservation district is not subject to [the Act] and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner’s agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided:

(1) under this code; and

(2) on private land that:

(A) is part of a conservation plan or water quality management plan developed cooperatively with the state board or conservation district; or

(B) is the subject of a report prepared by the state board or conservation district.

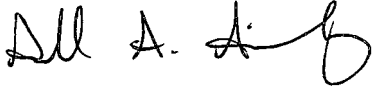
Agric. Code § 201.006(a). The board represents it collected the responsive information in response to a request for technical assistance from landowners relating to conservation or water quality management plans on those landowners’ private lands, and provided that assistance under chapter 201 of the Agricultural Code. The exceptions in section 201.006(b) do not appear to apply. Based on these representations and our review, we agree the board must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 201.006(a) of the Agriculture 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](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,

A handwritten signature in black ink, appearing to read "Gerald A. Arismendez". The signature is fluid and cursive, with a large initial "G" and a long, sweeping tail.

Gerald A. Arismendez  
Assistant Attorney General  
Open Records Division

GAA/tdw

Ref: ID# 692986

Enc. Submitted documents

c: Requestor  
(w/o enclosures)