



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 21, 2019

Ms. Hadassah Schloss
Director
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873

OR2019-13493

Dear Ms. Schloss:

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# 766698 (GLO ID# 19-0431).

The General Land Office (the "GLO") received a request for information pertaining to the report prepared for the Office of the Governor (the "governor's office") regarding a particular application for a Texas Deepwater Port License. You claim some of the submitted information is excepted from disclosure under section 552.111 of the Government Code. You also state you notified the governor's office of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We received comments from the governor's office stating it has no objection to release of the information. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the report submitted as Attachment B is subject to section 552.022 of the Government Code. Section 552.022 provides in part:

- (a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108[.]

Id. § 552.022(a)(1). Attachment B consists of a completed report subject to section 552.022(a)(1). The GLO must release the completed report pursuant to section 552.022(a)(1) unless it is excepted from disclosure under section 552.108 of the Government Code or expressly made confidential under the Act or other law. *Id.* Although the GLO seeks to withhold this information under section 552.111, we note this exception is discretionary in nature and does not make information confidential under the Act. *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 470 at 7 (1987) (statutory predecessor to section 552.111 subject to waiver). Therefore, the GLO may not withhold the information subject to section 552.022(a)(1) under section 552.111. As no further arguments are raised for Attachment B, it must be released pursuant to section 552.022(a)(1) of the Government Code. Further, as no arguments have been raised for the information not subject to section 552.022, the GLO must release the submitted information in its entirety.

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,

A handwritten signature in black ink, appearing to read "Erin Groff". The signature is fluid and cursive, with the first name "Erin" written in a larger, more prominent script than the last name "Groff".

Erin Groff
Assistant Attorney General
Open Records Division

EMG/eb

Ref: ID# 766698

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)