



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 24, 2019

Mr. Carl J. Roell
Attorney
Texas Facilities Commission
P.O. Box 13047
Austin, Texas 78711-3047

OR2019-20193

Dear Mr. Roell:

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# 776878.

The Texas Facilities Commission (the "commission") received a request for information pertaining to gaming machine transactions.¹ You state you released some information. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the interests of the Harris County Constable, Precinct One (the "constable's office").² Accordingly, you state, and provide documentation showing, you notified the constable'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

¹As you have not submitted a copy of the request for information, we take our description from your brief.

²We note the commission did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(b), (e). Nonetheless, because the interest of a third party can provide a compelling reason to overcome the presumption of openness, we will consider third party interests for the submitted information. *See id.* §§ 552.007, .302, .352.

comments stating why information should or should not be released). We have received comments from the constable's office. We have reviewed the submitted information and considered the submitted arguments.

We note the constable's office seeks to withhold information not submitted to this office by the commission. By statute, this office may only rule on the public availability of information submitted by the governmental body requesting the ruling. *See id.* § 552.301(e)(1)(D) (governmental body requesting decision from Attorney General must submit copy of specific information requested). Because this information was not submitted by the commission, this ruling does not address this information and is limited to the information submitted as responsive by the commission.

The constable's office asserts some of the submitted information is subject to section 552.139 of the Government Code. Section 552.139 provides, in part, "a photocopy or other copy of an identification badge issued to an official or employee of a governmental body" is confidential. *Id.* § 552.139(b)(3). Therefore, the commission must withhold the copies of the identification cards issued to employees of a governmental body, which we marked, under section 552.139 of the Government Code. The commission must release the remaining information.

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,



Meagan J. Conway
Assistant Attorney General
Open Records Division

MC/be

Ref: ID# 776878

Enc. Submitted documents

c: Requestor
(w/o enclosures)

1 Third Party
(w/o enclosures)