



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 9, 2019

Ms. Jelain Chubb
Director, Archives and Information Services
The Texas State Library and Archives Commission
P.O. Box 12927
Austin, Texas 78711-2927

OR2019-20543A

Dear Ms. Chubb:

This office issued Open Records Letter No. 2019-20543 (2019) on July 26, 2019. We have examined this ruling and determined we will correct the previously issued ruling. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act (the "Act"), chapter 552 of the Government Code). Consequently, this decision serves as the correct ruling and is a substitute for the decision issued on July 26, 2019. The request was assigned ID# 789836.

The Texas State Library and Archives Commission (the "commission") received five requests from the same requestor for ethics commission reports, candidate campaign contribution and expenditure statements, and state officer financial statements pertaining to a named individual. You claim the some of submitted information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim 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." *Id.* § 552.101. We note the submitted information is subject to chapter 572 of the Government Code. This chapter requires the mandatory filing of annual personal financial statements by certain "state officers" with the Texas Ethics Commission and designates those statements as public records. *Id.* §§ 572.021 ("a state officer . . . shall file with the [Texas

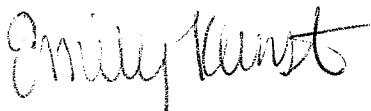
¹ We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other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

Ethics Commission a verified financial statement complying with Sections 572.022 through 572.0252”), .032 (“Financial statements filed under this subchapter are public records.”). Under section 572.002, a state representative is included in the definition of a “state officer” for the purposes of this chapter. *Id.* § 572.002(12). Accordingly, the submitted personal financial statement, which has been filed with the Texas Ethics Commission by the named individual in accordance with chapter 572 of the Government Code, is expressly made public by statute. Although you raise section 552.117 of the Government Code for the information at issue, information expressly made public by statute may not be withheld pursuant to exceptions to required disclosure provided in the Act. *See id.* § 311.026 (where a general statutory provision conflicts with a specific provision, the specific provision prevails as an exception to the general provision); *see also* Open Records Decision Nos. 623 (1994), 525 (1989) (as a general rule, Act’s exceptions do not apply to information made public by other statutes). Thus, we determine the personal financial statements belonging to the “state officer” at issue is expressly public under section 572.032 of the Government Code and may not be withheld under section 552.117. However, section 572.032(a-1) provides the “home address, the telephone number, and the names of the dependent children of an individual” must be removed “from a financial statement filed by the individual” prior to permitting a member of the public to view the statement, providing a copy of the statement to a member of the public, or making a statement available on the Texas Ethics Commission’s website. Gov’t Code § 572.032(a-1), *as amended by* Act of May 30, 2017, 85th Leg., R.S., ch. 983, §1, 2017 Tex. Gen. Laws 4002, 4002. Therefore, in releasing the submitted information, the commission must withhold the home address we marked under section 552.101 of the Government Code in conjunction with section 572.032(a-1) of the Government 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Emily Kunst
Assistant Attorney General
Open Records Division

EK/gw

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Enc. Submitted documents

c: Requestor
(w/o enclosures)