



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 13, 2019

Mr. Ian M. Steusloff  
Interim Executive Director  
Texas Ethics Commission  
P.O. Box 12070  
Austin, Texas 78711-2070

OR2019-25708

Dear Mr. Steusloff:

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# 785636.

The Texas Ethics Commission (the "commission") received a request for financial disclosure statements of a named individual. The commission states it released some information with redactions. The commission claims portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. Additionally, the commission states release of the submitted information may implicate the interests of the Office of Court Administration (the "OCA"). Accordingly, the commission states, and provides documentation showing, it notified the OCA of the request for information pursuant to section 552.304 of the Government Code. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have received comments from the OCA.<sup>1</sup> We have considered the submitted arguments and reviewed the submitted representative sample of information.<sup>2</sup> We have also received and considered comments submitted by the requestor. *See id.*

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<sup>1</sup>We note the requestor argues the commission failed to comply with the requirements of section 552.301 of the Government Code regarding this request. *See* Gov't Code § 552.301 (b), (e). Regardless of whether there was a section 552.301 violation, we note section 552.101 of the Government Code and third party interests can provide compelling reasons to overcome the presumption of openness caused by a failure to comply with section 552.301 of the Government Code.

<sup>2</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

Section 552.101 of the Government Code excepts from public disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. The commission and the OCA state, and we agree, 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 commission and designates those statements as public records. *Id.* §§ 572.021 (“a state officer . . . shall file with the 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, an “appointed officer of a major state agency” is included in the definition of a “state officer” for the purposes of this chapter. *Id.* § 572.002(12). Under section 572.003, “the administrative director of the [OCA]” is included in the definition of an “appointed officer of a major state agency” for the purposes of chapter 572. *Id.* § 572.003(a), (b)(2). Thus, the submitted personal financial statements, which have been filed with the commission by the administrative director of the OCA in accordance with chapter 572 of the Government Code, are expressly made public by statute. 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 commission’s website. *Id.* § 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. Accordingly, in releasing the submitted information, the commission must withhold the information it marked under section 552.101 of the Government Code in conjunction with section 572.032(a-1) of the Government Code.<sup>3</sup>

The commission also asks this office to issue a previous determination that would permit it to withhold certain information under section 552.101 of the Government Code in conjunction with section 572.032 of the Government Code without requesting a ruling from this office. *See id.* § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time. Therefore, 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->

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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.

<sup>3</sup>As our ruling is dispositive, we need not address the OCA’s remaining argument against disclosure of this information.

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,



James M. Graham  
Assistant Attorney General  
Open Records Division

JMG/be

Ref: ID# 785636

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

cc: 1 Third Party  
(w/o enclosures)