



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 18, 2019

Mr. Neal Falgoust
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2019-26106

Dear Mr. Falgoust:

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# 786220 (Ref. No. X003204).

The City of Austin (the "city") received a request for several categories of information pertaining to the city's legal staff, including any legal salary surveys performed during a specified time period. You state you will release some information to the requestor. You claim the submitted information is subject to section 552.027 of the Government Code. You also state release of the submitted information may implicate the proprietary interests of The International Municipal Lawyers Association ("IMLA"). Accordingly, you state, and provide documentation showing, you notified IMLA 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 § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from IMLA. We have considered the submitted arguments and reviewed the submitted information.


Section 552.027 of the Government Code provides the Act does not require a governmental body to allow the inspection of information in a commercial publication purchased or acquired by the governmental body for research purposes if the publication is commercially available to the public. *See* Gov't Code § 552.027(a). You state the city participated in IMLA's survey and received a copy of the survey in exchange for its participation. You

also state the survey is commercially available through IMLA to both municipalities and members of the public. Accordingly, based on your representations, we conclude the submitted information is commercially available information that falls within the scope of section 552.027 and need not be released to the requestor.

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,


Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/mo

Ref: ID# 786220

Enc. Submitted documents

c: Requestor
(w/o enclosures)