



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

April 9, 2020

Mr. David Garcia  
Accounts Payable Specialist  
City of El Paso Employees Retirement Trust  
1039 Chelsea Street  
El Paso, Texas 79903

OR2020-10632

Dear Mr. Garcia:

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# 821244.

The City of El Paso Employees Retirement Trust (the "trust") received two requests from different requestors for specified information pertaining to a particular meeting. You state you have released some of the requested information. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of AQR Emerging Equities Fund, LP ("AQR").<sup>1</sup> Accordingly, you state, and provide documentation showing, you notified AQR of the request for information and of its right to submit arguments to this office as to why the information at issue 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). You have submitted comments from AQR. We have considered the submitted comments and reviewed the submitted information.

Section 552.143 of the Government Code provides, in relevant part, the following:

- (a) All information prepared or provided by a private investment fund and held by a governmental body that is not listed in Section 552.0225(b) is confidential and excepted from [required public disclosure].

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<sup>1</sup> We note the trust did not comply with the requirements of section 552.301(b) of the Government Code in requesting a decision. *See* Gov't Code § 552.301(b). Nonetheless, as the interests of a third party can provide a compelling reason to overcome the presumption of openness, we will consider the arguments against disclosure of the submitted information. *See id.* §§ 552.007, .302, .352.

(b) Unless the information has been publicly released, pre-investment and post-investment diligence information, including reviews and analyses, prepared or maintained by a governmental body or a private investment fund is confidential and excepted from [required public disclosure], except to the extent it is subject to disclosure under Subsection (c).

Gov't Code § 552.143(a)-(b). Upon review, we find the remaining submitted information is confidential under section 552.143. Therefore, the trust must withhold the remaining submitted information under section 552.143 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,

Ashley Crutchfield  
Assistant Attorney General  
Open Records Division

AC/gw

Ref: ID# 821244

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)

c: Third Party  
(w/o enclosures)