



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 15, 2020

Mr. Eric Vining
Chief of Staff
State Representative Brad Buckley
P.O. Box 2910
Austin, Texas 78768-2910

OR2020-17632

Dear Mr. Vining:

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# 835981.

The Office of Representative Brad Buckley (the "representative's office") received a request for information pertaining to the American Legislative Exchange Council. You state you have released some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses section 306.008 of the Government Code, which provides as follows:

(a) To protect the public's interest in the proper performance of the deliberative and policymaking responsibilities of the legislature and to preserve the legislative branch's independence under the fundamental principle of separation of powers, as guaranteed by Article II and Section 21, Article III, Texas Constitution, a communication is confidential and subject to legislative privilege if the communication:

(1) is given privately;

(2) concerns a legislative activity or function; and

(3) is among or between any of the following:

(A) a member of the house or senate;

(B) the lieutenant governor;

(C) an officer of the house or senate;

(D) a member of the governing body of a legislative agency;
or

(E) a legislative employee.

Id. § 306.008(a). You inform us the submitted information consists of communications that were given privately involving a member of the state legislature and a legislative employee concerning legislative activities and functions. Therefore, upon review, we find the submitted information is confidential under section 306.008(a) and the representative's office must withhold it under section 552.101 of the Government Code on this basis.¹

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,

Matthew Taylor
Assistant Attorney General
Open Records Division

MT/mo

Ref: ID# 835981

¹ As our ruling is dispositive, we need not consider your remaining argument against disclosure of the submitted information.

Enc. Submitted documents

c: Requestor
(w/o enclosures)