



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 20, 2020

Ms. June B. Harden  
Assistant Attorney General  
Assistant Public Information Coordinator  
Office of the Attorney General  
Post Office Box 12548  
Austin, TX 78711-2548

OR2020-21005

Dear Ms. Harden:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. This request was originally received by the Open Records Division of this office and assigned ID #838735. Preparation of the ruling has been assigned to the Opinion Committee of this office.

The Office of the Attorney General (the "OAG") received a brief dated May 13, 2020, submitted by the Federal Bureau of Investigation (the "FBI") asserting that certain communications and information involved in a particular request for information should not be disclosed under subsections 552.108(a)(1) and (2) of the Government Code. The brief recites that a redacted copy was provided to Mr. Joseph Larsen.

You tell us that on May 19, 2020, the OAG received a request from Mr. Joseph Larsen for an unredacted copy of the May 13, 2020 brief. On June 3, 2020, the OAG submitted this request for a decision to give the FBI the opportunity to submit any arguments it may have against the release of its briefing. You explain that the May 13, 2020 brief was submitted under section 552.304 of the Act, and that the "FBI informed this office that it intends to submit arguments to withhold its submission." *See* TEX. GOV'T CODE § 552.304. You tell us the OAG takes no position on any argued exception and requests a decision "regarding the applicability of any argued exceptions as provided by the PIA."

On June 18, 2020, the OAG received a second brief from the FBI reasserting arguments why the communications and information in the underlying request should not be disclosed. However, although it references the OAG's letter of June 3, 2020, it does not present arguments against disclosure of any portion of its May 13, 2020 submission.

We have reviewed the information you submitted under the tab marked “Exhibit B,” which is the unredacted brief submitted under section 552.304 of the Government Code. Subsection 552.304(b) provides:

(b) A person who submits written comments to the attorney general under Subsection (a) shall send a copy of those comments to both the person who requested the information from the governmental body and the governmental body. If the written comments submitted to the attorney general disclose or contain the substance of the information requested from the governmental body, the copy of the comments sent to the person who requested the information must be a redacted copy.

TEX. GOV’T CODE § 552.304(b). Without comments explaining why all or part of the May 13, 2020 submission should not be disclosed, we have no basis to conclude whether any written comments in the submission “disclose or contain the substance of the information requested.” *Id.* Accordingly, the OAG may not withhold the May 13, 2020 submission on the basis of subsection 552.304(b) or any other unargued exception.

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,

William A. Hill  
Assistant Attorney General  
Opinion Committee

WH/jm

Ref: ID# 838735

c: Requestor

Third Party