



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 10, 2020

Mr. J.R. Johnson
General Counsel
Texas Ethics Commission
P.O. Box 12070
Austin, Texas 78711-2070

OR2020-22847

Dear Mr. Johnson:

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# 842822.

The Texas Ethics Commission (the "commission") received a request for a specified request for an advisory opinion. You state you have released some of the requested information. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception 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 information protected by other statutes. Section 571.091 of the Government Code requires the commission to prepare a written opinion that answers an advisory opinion request from a person who has standing to request such an opinion. *Id.* § 571.091; *see also* 1 T.A.C. § 8.3. Section 571.093 of the Government Code provides the following:

- (a) The commission shall maintain the confidentiality of the name of the person requesting an advisory opinion and shall issue opinions in a form necessary to maintain that confidentiality.
- (b) The commission may not issue an opinion that includes the name of any person who may be affected by the opinion.

(c) Subsections (a) and (b) do not apply to a person who requests an opinion and files written notice with the commission waiving the confidentiality of the person's identity.

Gov't Code § 571.093; *see* 1 T.A.C. § 8.19. You seek to withhold the information you marked under section 571.093 because you contend its release would identify an individual who requested an advisory opinion from the commission. You state the individual at issue has not waived confidentiality of his or her identity. *See* Gov't Code § 571.093(c). Based on your representations, we find you have demonstrated the information at issue is subject to section 571.093. Therefore, the commission must withhold the information it marked under section 552.101 of the Government Code in conjunction with section 571.093 of the Government Code. As no further arguments against disclosure have been raised, the commission must release the remaining information.

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/jm

Ref: ID# 842822

c: Requestor