



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 14, 2020

Mr. Rodrigo J. Figueroa
Counsel for the Alamo Trust, Inc.
Dykema Gossett P.L.L.C.
122 East Pecan Street, Suite 1800
San Antonio, Texas 78205

OR2020-25834

Dear Mr. Figueroa:

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# 848805.

The Alamo Trust, Inc. ("ATI"), which you represent, received a request for certain archeological reports. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. You also state you notified the Texas General Land Office (the "GLO") of the request for information and of its right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the GLO. We have considered the submitted arguments 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." *Id.* § 552.101. This section encompasses information protected by other statutes. Section 191.004 of the Natural Resources Code provides:

- (a) Information specifying the location of any site or item declared to be a state archeological landmark under Subchapter D of this chapter is not public information.
- (b) Information specifying the location or nature of an activity covered by a permit or an application for a permit under this chapter is not public information.

(c) Information specifying details of a survey to locate state archeological landmarks under this chapter is not public information.

Nat. Res. Code § 191.004. You state the submitted information relates to work performed at a site that is a state archeological landmark for purposes of chapter 191 of the Natural Resources Code. *See id.* § 191.092(a). You inform us the work is being performed pursuant to permits issued by the Texas Historical Commission under chapter 191 of the Natural Resources Code. Based on your representations and our review, we find the submitted information qualifies as “information specifying the location of any site or item declared to be a state archeological landmark” and “information specifying the location or nature of an activity covered by a permit or an application for a permit” for purposes of section 191.004. Therefore, we conclude ATI must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 191.004 of the Natural Resources Code.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,

Alexandra C. Burks
Assistant Attorney General
Open Records Division

ACB/jm

Ref: ID# 848805

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)

¹ As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.