



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 14, 2020

Mr. Jon Heining
General Counsel
Texas Legislative Council
P.O. Box 12128, Capitol Station
Austin, Texas 78711-2128

Mr. Tan Parker
Office of State Representative Tan Parker
P.O. Box 2910
Austin, Texas 78768-2910

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

OR2020-25894

Dear Mr. Heining, Mr. Parker, and 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# 848690.

The Office of State Representative Brad Buckley and the Office of State Representative Tan Parker (collectively, the "representatives' offices") both received a request from the same requestor for communications related to specified topics during a certain date range. You state the representatives' offices will release some information to the requestor. You claim 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 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 members of the state legislature and legislative employees concerning legislative activities and functions. Therefore, upon review, we find the submitted information is confidential under section 306.008(a) and the representatives' offices must withhold it under section 552.101 of the Government Code on this basis.

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,

Deborah Southerland
Assistant Attorney General
Open Records Division

DS/rm

Ref: ID# 848690

Enc. Submitted documents

c: Requestor
(w/o enclosures)