



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 16, 2020

Mr. David F. Brown
Attorney for The Port of Houston Authority
Ewell, Brown, Blanke & Knight, L.L.P.
111 Congress Avenue, 28th Floor
Austin, Texas 78701

OR2020-31508

Dear Mr. Brown:

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# 857305.

The Port of Houston Authority (the "authority"), which you represent, received a request for information pertaining to two named employees.¹ You state the authority released some information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. You also state release of the submitted information may implicate the interests of third parties. Accordingly, you state you notified the third parties of the request and of their right to submit arguments to this office as to why the submitted information should not be released.² *See* Gov't Code § 552.304 (providing an interested party may submit written comments regarding why information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

¹ You state the authority sought and received clarification of the request for information. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

² As of the date of this letter, we have not received comments from the notified individuals explaining why any portion of the submitted information should not be released to the requestor.

You state the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter Ruling No. 2020-24626 (2020). In response to Open Records Letter Ruling No. 2020-24626, the authority filed a lawsuit against our office challenging the ruling, which is pending. *See Port of Houston Authority v. Paxton*, No. D-1-GN-19-006921 (353rd Dist. Ct., Travis County, Tex.). Accordingly, we will allow the trial court to resolve the issue of whether the submitted information, which is the subject of the pending litigation, must be released to the public.

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# 857305

c: Requestor