



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 14, 2022

Ms. Lauren Downey
Assistant Attorney General
Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2022-01347

Dear Ms. Downey:

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# 925477 (PIR# R010701).

The Office of the Attorney General (the "OAG") received a request for information pertaining to an investigation and lawsuit involving a named company and subsidiary for a specified time period. The OAG states it will release some information and will rely on Open Records Letter Nos. 2020-28395 (2020) and 2021-34866 (2021) as previous determinations and withhold or release some of the requested information in accordance with those rulings.¹ The OAG claims the submitted information is excepted from disclosure under section 552.107 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.²

Section 552.107(2) of the Government Code provides information is excepted from disclosure if "a court by order has prohibited disclosure of the information." Gov't Code § 552.107(2). The OAG submitted a copy of a Protective Order signed on April 14, 2021, by a judge in the United States District Court for the Eastern District of Texas, Sherman

¹ See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

² We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Division. The OAG also submitted a copy of a Protective Order signed on January 21, 2021, by a judge in the United States District Court for the District of Columbia. The protective orders encompass certain information that is designated “Highly Confidential or Confidential Information” by certain persons. The OAG explains the information at issue is subject to the protective orders. Based upon these representations and our review, we agree courts by order have prohibited disclosure of the information at issue. Accordingly, the OAG must withhold the submitted information under section 552.107(2).

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/be

Ref: ID# 925477

Enc. Submitted documents

c: Requestor
(w/o enclosures)