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ATTORNEY GENERAL OF TEXAS

May 11, 2022

Ms. Paige H. Saenz
Counsel for the City of Austin Employees Retirement System
The Knight Law Firm, LLP
223 West Anderson Lane, Suite A-105
Austin, Texas 78752

OR2022-13530

Dear Ms. Saenz:

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# 947411.

The City of Austin Employees Retirement System (the "system"), which you represent, received request for the meeting packets pertaining to a meeting on a specified date. The system received a second request from a different requestor for certain information pertaining to specified agenda items from meetings on two specified dates. The system states it will release some information. The system claims the submitted information is excepted from disclosure under sections 552.104 and 552.143 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Section 552.143 of the Government Code provides, in relevant part:

- (a) All information prepared or provided by a private investment fund and held by a governmental body that is not listed in Section 552.0225(b) is confidential and excepted from [required public disclosure].
- (b) Unless the information has been publicly released, pre-investment and post-investment diligence information, including reviews and analyses, prepared or maintained by a governmental body or a private investment fund is confidential and excepted from [required public disclosure], except to the extent it is subject to disclosure under Subsection (c).

Gov't Code § 552.143(a)-(b). The system states the submitted information consists of “due diligence analysis pertaining to both pre- and post-investment due diligence” and “an analysis framework [created by system staff] for conducting due diligence analysis, for analyzing current and prospective investments, and for structuring the investments of the [system’s] fund as a whole.” The system also states the information at issue does not consist of the type of information that is subject to section 552.0225(b) of the Government Code, and we understand this information is not subject to disclosure pursuant to section 552.143(c) of the Government Code. Further, the system states the information at issue has not been released to the public. Based on these representations and our review, we find the system must withhold the submitted information under section 552.143 of the Government 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,

Katie Stallcup
Assistant Attorney General
Open Records Division

AKS/mo

Ref: ID# 947411

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

¹ As our ruling is dispositive, we need not address the system’s remaining argument against disclosure of the submitted information.