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ATTORNEY GENERAL OF TEXAS

May 25, 2022

Ms. Ashley L. White
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Thompson & Horton, L.L.P.
500 North Akard Street, Suite 3150
Dallas, Texas 75201-3302

OR2022-15140

Dear Ms. White:

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# 947584 (Ref. No. 22.038).

The Tarrant Regional Water District (the "district"), which you represent, received a request for a specified emergency preparedness report. 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. Section 552.101 of the Government Code encompasses section 13.1394 of the Water Code, which provides as follows:

(b) An affected utility shall:

...

(2) adopt and submit to the [Texas Commission on Environmental Quality (the "commission")] for its approval:

(A) an emergency preparedness plan that demonstrates the utility's ability to provide the emergency operations described by Subdivision (1); and

(B) a timeline for implementing the plan described by Paragraph (A).

...

(l) Except as specifically required by this section, information provided by an affected utility under this section is confidential and is not subject to disclosure under [the Act].

Water Code § 13.1394(b)(2), (l). *See id.* § 13.002(5) (defining “commission” to mean the Texas Commission on Environmental Quality). The district states it is an affected utility under section 13.1394 of the Water Code. *See id.* § 13.1394(a) (defining “affected utility” for purposes of section 13.1394 of the Water Code). The district further states the submitted information was provided to the commission in accordance with section 13.1394(b)(2)(A) as its emergency preparedness plan. Therefore, upon review, we find the submitted information is made confidential under section 13.1394 of the Water Code, and the district must withhold it under section 552.101 of the Government Code on that 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,

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/jxd

Ref: ID# 947584

c: Requestor