



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 2, 2022

Ms. Dionne Barner  
Associate General Counsel  
Texas Department of Transportation  
125 East 11th Street  
Austin, Texas 78701-2483

OR2022-34074

Re: Request for eight categories of information pertaining to certain projects (Ref. No. R016297-072522)

Dear Ms. Barner:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 981999 (Ref. No. R016297-072522).

After reviewing your arguments and the submitted representative sample of information, we have determined your request does not present a novel or complex issue.<sup>1</sup> Thus, we are addressing your claims in a memorandum opinion. You state you are releasing some information to the requestor. You claim the submitted information may be withheld from the requestor pursuant to section 552.107 of the Government Code.<sup>2</sup> Upon review of your arguments and the submitted information, we conclude you may withhold the submitted information under section 552.107.

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/open>

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<sup>1</sup> 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 those records contain substantially different types of information than that submitted to this office.

<sup>2</sup> We note you did not comply with the procedural requirements of section 552.301 of the Government Code in requesting this decision. *See* Gov’t Code § 552.301(e). Nonetheless, because the attorney-client privilege encompassed by section 552.107 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352; *see also Paxton v. City of Dallas*, 509 S.W.3d 247 (Tex. 2017).

[government/governmental-bodies/open-records-memorandum-rulings.](#) You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc. Submitted documents

c: Requestor  
(w/o enclosures)