



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 7, 2022

Mr. Montgomery Meitler
Deputy General Counsel for Public Information
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

OR2022-37873

Dear Mr. Meitler:

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# 988292 (TEA PIR# 55763).

The Texas Education Agency (the "TEA") received a request for information related to the Texas Permanent School Fund. The TEA states it will release some of the requested information pursuant to section 552.0225(b) of the Government Code. Gov't Code § 552.0225(b). The TEA claims the submitted information is excepted from disclosure under section 552.143 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹

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

- (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 the requirements of Section 552.021.
- (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

¹ 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.

is confidential and excepted from the requirements of Section 552.021, except to the extent it is subject to disclosure under Subsection (c).

Id. § 552.143(a)-(b). The TEA states the information at issue consists of post-investment due diligence information prepared for and maintained by the TEA. The TEA informs us the information has not been publicly released and is not subject to disclosure pursuant to section 552.143(c). Based on these representations and our review, we find the TEA has demonstrated the applicability of section 552.143(b) to the information at issue. Thus, the TEA must withhold the submitted information under section 552.143(b) of the Government Code.

The TEA also asks this office to issue a previous determination permitting the TEA to withhold pre-investment and post-investment diligence information under section 552.143(b) of the Government Code without requesting a ruling from this office. *See id.* § 552.301(a) (allowing a governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time. Accordingly, 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,

Alexandra C. Burks
Assistant Attorney General
Open Records Division

ACB/mo

Ref: ID# 988292

Enc. Submitted documents

c: Requestor
(w/o enclosures)