



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 13, 1997

Mr. David R. Gipson  
Texas Department of Agriculture  
P.O. Box 12847  
Austin, Texas 78711

OR97-0532

Dear Mr. Gipson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 104321.

The Texas Department of Agriculture (the "department") received a request for "any and all correspondence, documents or other memorandum relating to the claims made by Vista Trading on warehouse receipts issued by Robstown Grain." You explain that the department has released much of the requested information to the requestor. You claim, however, that the remaining information is confidential by law and must be withheld. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. The department regulates the licensure and operation of certain grain warehouses in Texas. Agric. Code § 14.003. You state that the information withheld by the department in this request is made confidential by section 14.003(d) of the Agriculture Code. This section provides that

(d) The following information prepared by the department in the course of its regulatory authority under this subchapter or required to be submitted to the department in accordance with the department's administration of this subchapter is confidential and not subject to public disclosure:

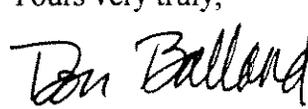
(1) inspection reports containing information regarding grain inventory;

(2) financial information provided to the department to establish net worth for purposes of licensure.

Agric. Code § 14.003(d). You state that the information withheld by the department is related to grain inventory, was obtained through department inspections, or was submitted to the department by Robstown Grain to establish net worth for purposes of licensure. After reviewing the documents at issue, we agree that they are made confidential by section 14.003(d) and must be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 104321

Enclosures: Submitted documents

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(w/o enclosures)