



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 14, 2006

Ms. Noelle C. Letteri
Legal Services Division
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873

OR2006-14680

Dear Ms. Letteri:

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# 267120.

The Texas General Land Office (the "GLO") received a request for all documents generated on or after June 1, 2006 related to a specified 400 acre tract of property in Tarrant County, and for all documents between several named individuals and entities regarding the property. You claim that the requested 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.

Initially, you inform us that a portion of the information at issue was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2006-14117 (2006). Accordingly, because the law, facts, and circumstances have not changed, we conclude that the GLO may continue to rely on our decision in Open Records Letter No. 2006-14117 with respect to the information that was previously ruled upon in that decision.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision" and encompasses information made confidential by other statutes. Gov't Code § 552.101. Section 11.086 of the Natural Resources Code provides in relevant part:

Information relating to the location, or purchase price, or sale price of real property purchased or sold by or for the School Land Board, Veterans' Land Board, land office, or commissioner under authority granted by this code is confidential and exempt from disclosure under Chapter 552, Government Code, until a deed for the property is executed. Information that is confidential and exempted from disclosure under this subsection includes an appraisal, completed report, evaluation, investigation conducted for the purpose of locating or determining the purchase or sale price of the property, or any report prepared in anticipation of purchasing or selling real property.

Nat. Res. Code § 11.086(a). You state that the submitted information relates to the purchase price and sale of real property purchased or sold by the land office or commissioner and indicate that such transactions are under authority granted by the Natural Resources Code. You also inform us that the real estate transaction at issue has not been finalized and that a deed relating to the transaction has not been executed. Based on your representations and our review of the information at issue, we conclude that the submitted information is confidential under section 11.086 of the Natural Resources Code and must be withheld pursuant to section 552.101 of the Government Code.

In summary, the GLO may continue to rely on our decision in Open Records Letter No. 2006-14117 with respect to the information that was previously ruled upon in that decision. The remaining submitted information must be withheld under section 552.101 of the Government Code in conjunction with section 11.086 of the Natural Resources Code.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the

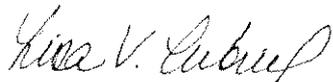
Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Lisa V. Cubriel
Assistant Attorney General
Open Records Division

LVC/eb

Ref: ID# 267120

Enc. Submitted documents

c: Ms. Pamela Franklin
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Austin, Texas 78701
(w/o enclosures)