



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 11, 2009

Mr. Joey Longley
Director
Texas Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711-3066

OR2009-08066

Dear Mr. Longley:

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# 348610.

The Texas Sunset Advisory Commission (the "commission") received a request for any documentation submitted by a named individual regarding the commission's review of the Texas Department of Transportation ("TxDOT"). You claim the submitted letter 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. This section encompasses information protected by other statutes, such as section 325.0195 of the Government Code, which provides:

(a) A working paper, including all documentary or other information, prepared or maintained by the commission staff in performing its duties under this chapter or other law to conduct an evaluation and prepare a report is excepted from the public disclosure requirements of Section 552.021.

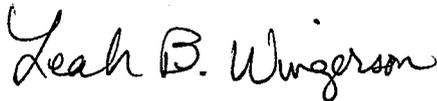
Id. § 325.0195(a). You inform us the submitted letter constitutes a commission working paper that was collected and maintained by the commission during its evaluation of TxDOT.

You further state this evaluation was authorized under chapter 325 of the Government Code. *See id.* § 325.008(a)(3) (“Before January 1 of the year in which a state agency subject to this chapter and its advisory committees are abolished, the commission shall . . . conduct a review of the agency . . . and prepare a written report[.]”). Accordingly, we find the submitted letter is excepted from the public disclosure requirements of section 552.021 under section 325.0195 of the Government Code, and need not be released.

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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

Ref: ID# 348610

Enc. Submitted documents

c: Requestor
(w/o enclosures)