



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 24, 2013

Ms. Hadassah Schloss  
Open Records Coordinator  
Texas General Land Office  
P.O. Box 12873  
Austin, Texas 78711-2873

OR2013-18557

Dear Ms. Schloss:

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# 503353.

The Texas General Land Office (the "GLO") received two requests from the same requestor for (1) correspondence to or from the GLO and either of two named individuals or a named company during a specified time period pertaining to two specified applications to purchase excess acreage; (2) correspondence to or from the GLO, a named individual, or a named company during a specified time period pertaining to two specified surveys; and (3) correspondence between the GLO and a named individual during a specified time period pertaining to applications that are no longer pending.<sup>1</sup> You state you have no information responsive to a portion of the request.<sup>2</sup> You also state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under

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<sup>1</sup>We note the GLO sought and received clarification of the information requested in the first request. See Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request).

<sup>2</sup>The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

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 exempts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 encompasses section 11.086(a) of the Natural Resources Code, which provides in part:

Information relating to the development, location, purchase price, or sale price of real property developed, purchased, or sold by or for the School Land Board, Veterans’ Land Board, [the GLO], or [the commissioner of the GLO] under authority granted by this code, including a contract provision related to the development, purchase, or sale of the property, is confidential and exempt from disclosure under [the Act], until all deeds for the property that are applicable to the transaction or series of related transactions are executed and until all substantive performance or executory requirements of applicable contracts have been satisfied. Information that is confidential and exempted from disclosure under this subsection includes an appraisal, completed report, evaluation, or investigation conducted for the purpose of locating or determining the purchase or sale price of the property, or any report prepared in anticipation of developing, purchasing, or selling real property.

Nat. Res. Code § 11.086(a). We understand you to assert the submitted information relates to two applications for the GLO to sell excess acreage under the authority granted by the Natural Resources Code. You explain the process to purchase excess acreage begins with an application and requires re-surveying of the specific area. You further explain that after a survey is accepted, the land is appraised, and the applicant may purchase the land for a portion of the appraised value. You inform this office that at the time the GLO received the instant requests for information, collection of survey information for the land at issue was incomplete. Additionally, you state the required appraisals had not yet been conducted. Thus, you state the series of related transactions pertaining to the property at issue are still ongoing. Based on your representations and our review, we agree the submitted information is confidential under section 11.086 of the Natural Resources Code, and the GLO must withhold the submitted information under section 552.101 of the Government Code on that basis.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cynthia G. Tynan  
Assistant Attorney General  
Open Records Division

CGT/akg

Ref: ID# 503353

Enc. Submitted documents

c: Requestor  
(w/o enclosures)