



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 27, 2014

Mr. Gary B. Lawson  
Strasburger & Price, LLP  
901 Main Street, Suite 4400  
Dallas, Texas 75202-3794

OR2014-01527

Dear Mr. Lawson:

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# 511927 (Beneficient Holdings, L.P. 10/24/2013 Request).

The Dallas Police and Fire Pension System (the "system"), which you represent, received a request for all presentations, reports, and memoranda pertaining to Beneficient Holdings, L.P. ("Beneficient"). You claim that the submitted information is excepted from disclosure under sections 552.107, 552.111, and 552.143 of the Government Code.<sup>1</sup> You also state the submitted information implicates the proprietary interest of Beneficient. Accordingly, you notified Beneficient of the request and of the company's right to submit comments to this office as to why the requested information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the Act in certain circumstances). We have received comments submitted by Beneficient. We have considered the submitted arguments and reviewed the submitted information.

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<sup>1</sup>Although you also raise section 552.022 of the Government Code, we note section 552.022 is not an exception to disclosure. Rather, section 552.022 enumerates categories of information that are not excepted from disclosure unless they are made confidential under the Act or other law. *See* Gov't Code § 552.022. Additionally, although you raise section 552.101 of the Government Code in conjunction with Texas Rule of Evidence 503, this office has concluded that section 552.101 does not encompass discovery privileges. *See* Open Records Decision Nos. 676 at 1-2 (2002), 575 at 2 (1990). Furthermore, we note section 552.107 of the Government Code is the proper exception to raise when asserting the attorney-client privilege for information not subject to section 552.022 of the Government Code.

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

Gov't Code § 552.143(a)-(b). You state some of the submitted information consists of information prepared by or received from Beneficient, a private investment fund. *See id.* § 552.143(a). You further indicate the remaining information consists of pre-investment diligence information that has not been publicly released. Accordingly, we find the system must withhold the submitted information under section 552.143 of the Government Code.<sup>2</sup>

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,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

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<sup>2</sup>As our ruling is dispositive, we do not address the remaining arguments to withhold this information.

Ref: ID# 511927

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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