



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 10, 2014

Mr. Michael VanderBurg
General Counsel
Legislative Budget Board
P.O. Box 12666
Austin, Texas 78711-2666

OR2014-11876

Dear Mr. VanderBurg:

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# 528644.

The Texas Legislative Budget Board (the "board") received a request for any e-mails between board staffers and the Special Prosecution Office or Public Integrity Unit, the Texas Comptroller's Office, the House Appropriations Committee, the Senate Finance Committee, and the Texas Governor's Office sent from January 1, 2013 through July 31, 2013. You state the board has released some of the requested information. You claim the submitted information is excepted from disclosure under section 552.146 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.146 of the Government Code provides in relevant part:

- (a) All written or otherwise recorded communications, including conversations, correspondence, and electronic communications, between a member of the legislature or the lieutenant governor and an assistant or employee of the [board] are excepted from [required public disclosure].

...

(c) This section does not except from required disclosure a record or memoranda of a communication that occurs in public during an open meeting or public hearing conducted by the [board].

Gov't Code § 552.146. You indicate the submitted information consists of communications between employees of the board and assistants to members of the legislature and the lieutenant governor. We understand the information at issue is held in confidence and does not pertain to communications that occurred in open meetings or public hearings. Upon review, we conclude the board may withhold the submitted information under section 552.146 of the Government Code.

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, 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,



Britni Fabian
Assistant Attorney General
Open Records Division

BF/tch

Ref: ID# 528644

Enc. Submitted documents

c: Requestor
(w/o enclosures)