



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 30, 2014

Mr. Mel Davis
Special Projects Coordinator
Texas State Soil and Water Conservation Board
P.O. Box 658
Temple, Texas 76503-0658

OR2014-17393

Dear Mr. Davis:

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# 537854.

The Texas State Soil and Water Conservation Board (the "board") received a request for information used to compile Water Supply Enhancement Program Annual Reports ("annual reports"), "[s]pecifically, records of payments, the payee, amount[,] and date they were made[.]"¹ You claim the "names and the number of acres treated contained on Payee Vouchers" are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.²

¹We note the board received clarification of the information requested. See Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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. This section encompasses information protected by other statutes, such as section 201.006 of the Agriculture Code, which provides in part:

(a) Except as provided by this section, information collected by the . . . board or a conservation district³ is not subject to [the Act], and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner’s agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided:

(1) under this code; and

(2) on private land that:

(A) is part of a conservation plan or water quality management plan developed cooperatively with the . . . board or conservation district; or

(B) is the subject of a report prepared by the . . . board or conservation district.

Agric. Code § 201.006(a) (footnote added). We note sections 201.006(b), (e), (f), and (g) provide information may be released to certain parties; however, it is our understanding that none of these qualified release provisions apply in this instance.

You explain the records used to compile the annual reports “are the individual vouchers submitted to the [c]omptroller for payment.” You state the information you seek to withhold, which consists of the “names and the number of acres treated contained on Payee Vouchers[,]” was collected in response to a specific request for technical assistance from individual landowners relating to a conservation plan to carry out brush work and other conservation measures on the owners’ private land. You also state the board’s assistance to the landowners was provided under chapter 201 of the Agricultural Code. Based upon your representations and our review, we agree the board must withhold the names and the number of acres treated contained on the payee vouchers at issue pursuant to section 552.101 of the

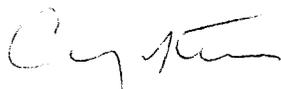
³A “conservation district” is defined as a soil and water conservation district. Agric. Code § 201.002(1).

Government Code in conjunction with section 201.006(a) of the Agriculture Code.⁴ The remaining responsive information must 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.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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 537854

Enc. Submitted documents

c: Requestor
(w/o enclosures)

⁴We note under section 201.006(c), the board or conservation district may disclose, in a manner that does not identify a particular tract of land, the owner of the tract, or the owner's agent or tenant, a summary of information collected by the board or conservation district regarding: (1) the number of acres of land that are in a particular conservation plan; (2) the number of acres of land that are subject to a particular conservation practice; or (3) other conservation program information. Agric. Code § 201.006(c).