



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 8, 2015

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

OR2015-21084

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# 582403.

The Legislative Budget Board (the "board") received a request for specified communications. You state the board will release 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 representative sample of information.<sup>1</sup>

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].

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<sup>1</sup>We 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 those records contain substantially different types of information than that submitted to this office.

...

(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(a), (c). You indicate the submitted information consists of communications between employees of the board and members of the legislature or their staffs. 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](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,



Nicholas A. Ybarra  
Assistant Attorney General  
Open Records Division

NAY/cbz

Ref: ID# 582403

Enc. Submitted documents

c: Requestor  
(w/o enclosures)