



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 3, 2016

Mr. Stephen Wood  
Staff Counsel  
Uptown Houston Development Authority  
1980 Post Oak Boulevard, Suite 1700  
Houston, Texas 77056

OR2016-02635

Dear Mr. Wood:

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# 596467.

The Harris County Improvement District No. 1 and Uptown Houston Development Authority (collectively, the "authority") received a request for executed purchase and sale agreements related to a specified project.<sup>1</sup> You claim some of the submitted information is excepted from disclosure under section 552.105 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the submitted information is subject to section 552.022 of the Government Code. This section provides, in pertinent part:

- (a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are

---

<sup>1</sup>You explain the Harris County Improvement District No. 1, a special district created by the legislature pursuant to section 3818.002 of the Special Districts Code to improve transportation, and the Uptown Houston Development Authority, a local non-profit government corporation formed by the City of Houston pursuant to chapter 431 of the Transportation Code for the development of the Uptown area, are working together on a project to improve a particular road.

public information and not excepted from required disclosure unless made confidential under this chapter or other law:

...

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body[.]

Gov't Code § 552.022(a)(3). The submitted information consists of executed contracts subject to section 552.022(a)(3), which the authority must release unless it is made confidential under the Act or other law. *See id.* You seek to withhold the purchase prices contained in the submitted contracts subject to section 552.022(a)(3) under section 552.105 of the Government Code. However, section 552.105 is a discretionary exception and does not make information confidential under the Act. *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 564 (1990) (statutory predecessor to section 552.105 subject to waiver). Thus, the information subject to section 552.022(a)(3) may not be withheld under 552.105 of the Government Code. As you raise no other exceptions to disclosure, the authority must release the submitted information.

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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/dls

Ref: ID# 596467

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)