



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 19, 2016

Ms. Hadassah Schloss  
Director, Open Government  
Texas General Land Office  
P.O. Box 12873  
Austin, Texas 78711-2873

OR2016-03983

Dear Ms. Schloss:

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# 600961.

The Texas General Land Office (the "GLO") received a request for specified information pertaining to certain land sales and asset management plans.<sup>1</sup> The GLO states it has released some of the requested information, but claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. The GLO also states, and provides documentation showing, it notified McKinney Consulting, Inc. ("McKinney") of the GLO's receipt of the request for information and of its right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the claimed exception and reviewed the submitted information.

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<sup>1</sup>The GLO sought and received clarification of the information requested. *See* Gov't Code § 552.222 (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) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

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 section 11.086(a) of the Natural Resources Code, which reads as follows:

Information relating to the development, location, purchase price, or sale price of real property developed, purchased, or sold by or for the School Land Board, Veterans’ Land Board, [the GLO], or [the] commissioner [of the GLO] under authority granted by this code, including a contract provision related to the development, purchase, or sale of the property, is confidential and exempt from disclosure under [the Act], until all deeds for the property that are applicable to the transaction or series of related transactions are executed and until all substantive performance or executory requirements of applicable contracts have been satisfied. Information that is confidential and exempted from disclosure under this subsection includes an appraisal, completed report, evaluation, or investigation conducted for the purpose of locating or determining the purchase or sale price of the property, or any report prepared in anticipation of developing, purchasing, or selling real property.

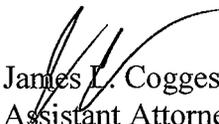
Nat. Res. Code § 11.086(a). The GLO informs us it manages the sale of Permanent School Fund (“PSF”) lands on behalf of the School Land Board (the “SLB”). The GLO explains annual asset management plans are prepared by the GLO and McKinney, its consultant, regarding the holdings in their respective portfolios. The GLO states the submitted information consists of asset management plans that were conducted to evaluate and investigate the purchase or sale price of certain PSF properties. The GLO also informs us the plans were prepared in anticipation of developing, purchasing, or selling those properties for the use and benefit of the PSF. Based on these representations, we conclude the submitted information is confidential under section 11.086(a) of the Natural Resources Code, and the GLO must withhold it under section 552.101 of the Government Code on that ground.

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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/bhf

Ref: ID# 600961

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Tim Moore  
McKinney Consulting, Inc.  
5700 West Plano Parkway, Suite 3000  
Plano, Texas 75093  
(w/o enclosures)