



May 10, 2016

Mr. Ian M. Steusloff
General Counsel
Texas Ethics Commission
P.O. Box 12070
Austin, Texas 78711-2070

OR2016-10692

Dear Mr. Steusloff:

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# 609301.

The Texas Ethics Commission (the "commission") received a request for the names of the law firm or firms and the lawyer or lawyers involved with specified requests to the commission for an advisory opinion.¹ You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the instant request asks for only the names of the law firm or firms and the lawyer or lawyers involved with the specified requests to the commission for an advisory opinion. Accordingly, any portion of the submitted information that does not consist of the requested names is not responsive to the instant request. This ruling does not address the public availability of any information that is not responsive to the request and the commission is not required to release such information in response to this request.

Section 552.101 of the Government Code excepts 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. Section 571.091 of the Government Code requires the commission to prepare a written

¹We note the commission sought and 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 when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

opinion that answers an advisory opinion request from a person who has standing to request such an opinion. *Id.* § 571.091; *see also* 1 T.A.C. § 8.3. Section 571.093 of the Government Code provides the following:

(a) The commission shall maintain the confidentiality of the name of the person requesting an advisory opinion and shall issue opinions in a form necessary to maintain that confidentiality.

(b) The commission may not issue an opinion that includes the name of any person who may be affected by the opinion.

(c) Subsections (a) and (b) do not apply to a person who requests an opinion and files written notice with the commission waiving the confidentiality of the person's identity.

Gov't Code § 571.093; *see* 1 T.A.C. § 8.19. You seek to withhold the responsive information under section 571.093 because you contend its release would identify an individual who requested an advisory opinion from the commission. You state the individual at issue has not waived confidentiality of his or her identity. *See* Gov't Code § 571.093(c). Based on your representations, we find you have demonstrated the responsive information is subject to section 571.093. Therefore, the commission must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 571.093 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,



Sean Nottingham
Assistant Attorney General
Open Records Division

SPN/sdk

Ref: ID# 609301

Enc. Submitted documents

c: Requestor
(w/o enclosures)