

January 23, 2026

The Honorable Ken Paxton
Attorney General of the State of Texas
Attn: Open Records Division
300 West 15th Street
Austin, Texas 78701

Re: Public Information Requests (PIRs) Related to Certain Partnership in Montgomery County
(GLO ID# 26-0169 – 26-0172)

Dear Open Records Division:

I submit these requestor comments pursuant to Tex. Gov't Code § 552.304 regarding the Texas General Land Office's January 15, 2026 request for a ruling concerning four separate Public Information Act requests (GLO IDs 26-0169 through 26-0172).

Respectfully, the GLO's submission commits a fundamental analytical error by collapsing four legally distinct and narrowly tailored requests into a single, undifferentiated withholding theory under Texas Natural Resources Code § 11.086. The Public Information Act requires a record-by-record and category-by-category analysis. Each of these requests seeks a materially different class of records and must be evaluated independently.

The four requests seek:

1. GLO ID# 26-0169: Final, executed, and recorded instruments only;
2. GLO ID# 26-0170: External communications only, expressly excluding internal deliberations, legal advice, drafts, and pricing materials;
3. GLO ID# 26-0171: Records created on or after August 19, 2025, i.e., after recordation of the deed; and
4. GLO ID# 26-0172: Records that state, confirm, certify, or acknowledge that transactions have been executed, completed, or finalized—i.e., purely confirmatory status records.

Rather than analyze these categories separately, the GLO asserts in blanket fashion that "all documents regarding this series of related transactions" fall within § 11.086. That approach is inconsistent with both the text of the statute and the structure of the Public Information Act.

Section 11.086 is not a project-wide secrecy provision. By its plain language, it applies only "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." The statute does not authorize indefinite confidentiality for all records tangentially related to a multi-year development project, nor does it convert post-closing, executed, or purely factual status records into confidential information.

The GLO's theory would effectively convert § 11.086 into a project-lifetime secrecy statute. That is not what the Legislature enacted. The statute ties confidentiality to the completion of transactions, not the ultimate build-out of a development. If accepted, the GLO's theory would allow agencies to withhold executed deeds, closing documents, and completion

acknowledgments for decades, a result inconsistent with both the statute's text and the Public Information Act's presumption of openness.

Several of the requested categories are, by their nature, incompatible with the GLO's theory:

- Requests limited to final, executed instruments concern completed legal acts, not anticipatory or negotiation-stage materials.
- Requests limited to records created after August 19, 2025 necessarily concern post-recordation activity.
- Requests limited to records confirming completion or finalization seek purely factual acknowledgments of status, not negotiations, appraisals, or development planning.
- Requests limited to external communications expressly exclude the very categories—internal deliberations, legal advice, drafts, and pricing analyses—the GLO relies upon to justify broad withholding.

The GLO's submission does not attempt to demonstrate how each of these distinct categories independently satisfies the statutory elements of § 11.086. Instead, it relies on a generalized "series of related transactions" theory that, if accepted, would effectively nullify the statute's built-in termination point and transform a conditional, transaction-based confidentiality provision into a project-lifetime secrecy rule.

Finally, the GLO's reliance on a single "representative sample" across all four requests further underscores the defect in its analysis. The Office is being asked to rule on materially different categories of records based on an undifferentiated and overbroad characterization, contrary to settled Public Information Act practice.

For these reasons, I respectfully request that the Office require the GLO to analyze each request separately and determine, on a category-specific basis, whether § 11.086 or any other claimed exception actually applies to the particular type of record requested, rather than accepting a consolidated, project-wide withholding theory.

Respectfully submitted,



Attachments:

1. GLO ID# 26-0169: Final, executed, and recorded instruments only
2. GLO ID# 26-0170: External communications only, expressly excluding internal deliberations, legal advice, drafts, and pricing materials
3. GLO ID# 26-0171: Records created on or after August 19, 2025, i.e., after recordation of the deed
4. GLO ID# 26-0172: Records that state, confirm, certify, or acknowledge that transactions have been executed, completed, or finalized—i.e., purely confirmatory status records
5. GLO- OAG 15 Day Letter

