



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 30, 1994

Mr. Charles L. Gauer  
Chief Appraiser  
McClellan County Appraisal District  
P.O. Box 2297  
Waco, Texas 76703

OR94-624

Dear Mr. Gauer:

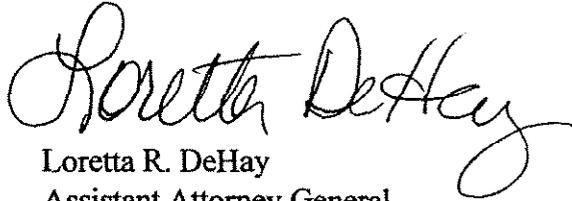
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 28269.

The McLennan County Appraisal District (the "appraisal district") has received a request for a copy of an audio tape recording of an executive session of the appraisal district's board of directors held on July 29, 1991. You ask whether section 552.101 of the Government Code exempts the requested information from required public disclosure. In addition, you ask whether the requestor has a special right of access to information about himself under section 552.023 of the Government Code that is contained in the requested audio tape recording.

Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 551.104(c) of the Government Code provides that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)." Gov't Code § 551.104(c); *see also* Attorney General Opinion JM-995 (1988); Open Records Decision No. 495 (1988) at 4. You advise us that the requested audio tape recording was generated during an executive session held pursuant to section 551.074 of the Government Code. Accordingly, the appraisal district may release this information only under a court order issued pursuant to the Open Meetings Act. In addition, we note that the requestor does not have a special right of access to this information under section 552.023 of the Government Code.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/GCK/rho

Ref.: ID# 28269

Enclosures: Audio tapes (2)

cc: Mr. George Lee  
1205 New Dallas Highway  
Waco, Texas 76705  
(w/o enclosures)