



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 3, 1995

Mr. Jesús Toscano, Jr.
Administrative Assistant City Attorney
City of Dallas
Office of the City Attorney
City Hall
Dallas, Texas 75201

OR95-1188

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552. We assigned your request ID# 23957.

The City of Dallas (the "city") has received a request for information relating to *certain campaign contribution and expenditure reports*. Specifically, the requestor seeks "all campaign reports filed by the Honorable Chris Luna since his election to seek public office and to inspect and/or copy all pertinent back-up documentation for such reports held in the possession of councilman Luna, including but not limited to all bank statements, receipts and check books maintained by Mr. Luna since his election to seek public office." (Emphasis in original.) You advise us that you will make available to the requestor the requested campaign contribution and expenditure reports. You claim, however, that the requested back-up documentation is not public "information" within the meaning of section 552.021 of the act.

Section 552.021 of the act provides in pertinent part:

(a) Information is public information if, under a law or ordinance or in connection with the transaction of official business, it is collected, assembled, or maintained:

(1) by a governmental body; or

(2) for a governmental body and the governmental body owns the information or has a right of access to it.

Gov't Code § 552.021. You claim that only Councilman Luna maintains the requested back-up documentation and that the city does not own it or have a right of access to it.

We understand that the reports at issue here are officeholder reports filed with the city pursuant to section 254.097 of the Election Code. Chapter 254 of the Texas Election Code governs the recordkeeping requirements of candidates for public office and public officeholders. Section 254.001 requires each officeholder to maintain a record of all reportable activity for a two-year period. Gov't Code § 254.001(a), (d); *see also id.* § 254.040 (requiring receiving authority to preserve report for two-year period). Section 254.031, on the other hand, sets forth the information that an officeholder must include in a report filed under chapter 254, *e.g.*, the amount of political contributions, loans, and expenditures. *Id.* § 254.031(a); *see also id.* § 254.091 (additional contents of officeholder reports). We are unaware, however, of any statute that requires an officeholder to submit back-up documentation to the city, nor are we aware of any statute that permits the city to access such information. Absent any evidence that the city maintains the back-up documentation or that the city owns or has a right of access to it, we conclude that the back-up documentation is not "information" within the meaning of section 552.021 of the act and therefore is not subject to required public disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office..

Yours very truly,



Kymberly K. Oltrogge
Assistant Attorney General
Open Records Division

KKO/GCK/rho

Ref: ID# 23957

Enclosures: Submitted documents

cc: Mr. Richard E. Finlan
1131 Clermont Avenue
Dallas, Texas 75223
(w/o enclosures)