



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 4, 1998

Mr. Stuart M. Bumpas
Locke, Purnell, Rain, Harrell
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776

OR98-2953

Dear Mr. Bumpas:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120080.

The Dallas Museum of Art (the "museum") received two requests for information regarding several items displayed by the museum. You contend that the museum is not a "governmental body" vis-a-vis the requested items, and therefore has no obligation under the chapter 552 of the Government Code to respond to these requests. You further contend that responsive items are excepted from public disclosure by sections 552.101, 552.104, 552.107, and 552.110 of the Government Code. You further contend that the release of the responsive documents would adversely impact the rights of third parties. You have supplied a representative sample of the subject information. We have considered the arguments raised and the subject information.

"Governmental body" is defined by Government Code section 552.003(1)(x) to include "the part, section, or portion of an organization, corporation, commission, committee, institution, or agency, that spends or that is supported in whole or in part by public funds." In examining the status of your organization for purposes of compliance with the Open Records Act, our office has previously concluded that it "is a 'governmental body' within the meaning of the Texas Open Records Act only to the extent that it receives support from the City of Dallas and the State of Texas. Thus, only documents relating to those sections of the museum that are supported by the city or state are public documents subject to the Open Records Act." Open Records Decision No. 602 (1992). This office held that a tangential connection between city funded support and objects of art not owned by the city is insufficient to bring documents relating to such objects within the scope of the Act. *Id.*

You have represented that the portion of the museum that keeps the responsive information is privately funded. You have also represented that the art objects that are at

issue are owned by or are on loan to the museum and are not public property. Based on these representations, we conclude that chapter 552 of the Government Code places no obligation on the museum to disclose the requested information. Your arguments for exception under various subsections of this chapter are therefore not addressed.

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 should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 120080

Enclosures: Submitted documents

cc: Ms. Christine C. Biederman
Dallas Observer
P.O. Box 190289
Dallas, Texas 75219
(w/o enclosures)

All third party interests have been copied.