



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 18, 2009

Mr. William M. Buechler  
Buechler & Associates  
3660 Stoneridge Road, Suite D-101  
Austin, Texas 78746

OR2009-03508

Dear Mr. Buechler:

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# 342090.

The Mount Pleasant Independent School District (the "district"), which you represent, received a request for the recording of a specified grievance appeal. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim.<sup>1</sup>

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 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)." *Id.* § 551.104(c). Thus, such information cannot be released to a member of the public in response to an open records request. *See Open Records Decision No. 495 (1988)*. You seek to withhold an audio tape of a closed meeting held by

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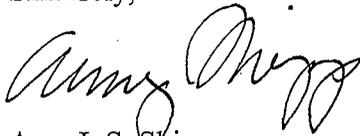
<sup>1</sup>We note that the district is not required to submit a certified agenda or tape recording of a closed meeting to this office for review. *See Open Records Decision No. 495 at 4* (attorney general lacks authority to review certified agendas or tapes of executive sessions to determine whether a governmental body may withhold such information from disclosure under statutory predecessor to section 552.101 of the Government Code).

the district to hear an employee grievance. Based on your representations, we agree the district must withhold the requested tape from public disclosure under section 552.101 of the Government Code in conjunction with section 551.104(c) 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.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Amy L.S. Shipp  
Assistant Attorney General  
Open Records Division

ALS/cc

Ref: ID# 342090

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)