



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 7, 2009

Mr. Gene Snelson
General Counsel
Texas Animal Health Commission
P.O. Box 12966
Austin, Texas 78711-2966

OR2009-06114

Dear Mr. Snelson:

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# 342270.

The Texas Animal Health Commission (the "commission") received a request for communications to or from, or documents referencing, a named individual during a specified time period. You state that you have made a portion of the requested information available to the requestor. You claim that the submitted information is not subject to the Act. You also claim that the submitted information is excepted from disclosure under sections 552.101, 552.102, and 552.110 of the Government Code. We have considered your arguments and reviewed the submitted information.

Initially, we address your contention that the submitted information is not subject to the Act. The Act is only applicable to "public information." See Gov't Code § 552.021. Section 552.002(a) defines public information as "information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (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." *Id.* § 552.002(a). Thus, virtually all information that is in a governmental body's physical possession constitutes public information that is subject to the Act. *Id.* § 552.002(a)(1); see also Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). Upon review, we agree the submitted information does not constitute "information that is collected, assembled, or maintained under a law or

ordinance or in connection with the transaction of official business” by or for the commission. *See* Gov’t Code § 552.021; *see also* Open Records Decision No. 635 (1995) (statutory predecessor not applicable to personal information unrelated to official business and created or maintained by state employee involving *de minimis* use of state resources). Thus, we conclude that the submitted information is not subject to the Act and need not be released in response to this request.¹

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, 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,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 342270

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Mike Jensen
1221 Willow Brook Drive
Cedar Park, Texas 78613
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure.