



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 23, 2009

Ms. Maria Smith
North Texas Tollway Authority
P.O. Box 260729
Plano, Texas 75026

Mr. John B. Dahill
General Counsel
P.O. Box 260729
Plano, Texas 75026

OR2009-16633

Dear Ms. Smith and Mr. Dahill:

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# 360835.

The North Texas Tollway Authority (the "authority") received a request for several categories of information pertaining to the eastern extension to the President George Bush Turnpike. You state the authority has released the final environmental impact statement, the final environmental impact statement reevaluation, and the record of decision to the requestor. You claim that the remaining submitted information is excepted from disclosure under section 552.103 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

¹Although, you initially raised sections 552.101, 552.107, and 552.111 of the Government Code as exceptions to disclosure of the requested information, you have provided no arguments regarding the applicability of these sections. Since you have not submitted arguments concerning these exceptions, we assume that you no longer urge them. *See* Gov't Code §§ 552.301(b), (e), .302.

We note that the information at issue consists of the minutes of the authority's public board meetings and attachments to those minutes. You assert that these minutes and their attachments, which we have marked, are subject to section 552.103 of the Government Code. We note that the minutes of a governmental entity's public meetings are specifically made public by section 551.022 of the Government Code. *See* Gov't Code § 551.022 (minutes and tape recordings of open meeting are public records and shall be available for public inspection and copying on request to governmental body's chief administrative officer or officer's designee). As a general rule, the exceptions to disclosure found in the Act do not apply to information that other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Therefore, the information at issue may not be withheld under section 552.103, but must be released to the requestor pursuant to section 551.022 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, 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, toll free, at (888) 672-6787.

Sincerely,



Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/jb

Ref: ID# 360835

Enc. Submitted documents

c: Requestor
(w/o enclosures)