



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 23, 2011

Ms. Shanna S. Cargill
Hayes, Berry, White & Vanzant, L.L.P.
P.O. Box 50149
Denton, Texas 76206

OR2011-02704

Dear Ms. Cargill:

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# 409790.

The Town of Hickory Creek (the "town"), which you represent, received a request for legal fee bills from a specified law firm related to a specified law suit, audio of the last five regular council meetings, and notes and tapes from council executive sessions related to the specified law suit. You claim a portion of the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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. We understand you to raise section 552.101 in conjunction with section 551.104 of the Open Meetings Act, chapter 551 of the Government Code. Section 551.104 provides in part 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* Attorney General Opinion JM-995 at 5-6 (1988) (public disclosure of certified agenda of closed meeting may be accomplished only under procedures provided in Open Meetings Act). You inform us a portion of the responsive information consists of certified agendas and audio recordings of closed meetings of the town's council.¹ Based on your

¹We note that the town is not required to submit the certified agenda or audio recording of a closed meeting to this office for review. *See* Open Records Decision No. 495 at 4 (1988) (attorney general lacks authority to review certified agendas or tapes of executive sessions to determine whether a governmental body may withhold such information under statutory predecessor to Gov't Code § 552.101).

representations, we agree the town must withhold the certified agendas and audio recordings of the town council's closed meetings pursuant to section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code.²

Next, you claim the submitted fee bills are confidential under section 552.101 of the Government Code. However, you have not directed our attention to any law, nor are we aware of any law, under which this information is considered to be confidential for purposes of section 552.101. *See* Open Records Decision Nos. 611 at 1 (1992) (common-law privacy), 600 at 4 (1992) (constitutional privacy), 478 at 2 (1987) (statutory confidentiality). Accordingly, the town may not withhold the submitted fee bills under section 552.101 of the Government Code.

In summary, the town must withhold the certified agendas and audio recordings of the town council's closed meetings pursuant to section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code. The submitted information must be released.

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,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/vb

²We note this office issued Open Record Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a certified agenda and tape of a closed meeting under section 552.101 in conjunction with section 551.104 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 409790

Enc. Submitted documents

c: Requestor
(w/o enclosures)