



February 9, 2015

Mr. Chris Sterner
Assistant General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR2015-02432

Dear Mr. Sterner:

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# 555151 (OOG ID# 376-14).

The Office of the Governor (the "governor's office") received a request for all documents regarding a grant from the criminal justice division awarded to the City of Seguin (the "city") and Seguin Youth Services and documents regarding an audit of the grant to the city or Seguin Youth Services. You state you will release a portion of the requested information to the requestor. You claim the remaining submitted information is excepted from disclosure under section 552.116 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.116 of the Government Code provides,

(a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by

¹This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. See Gov't Code § § 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

Section 61.003, Education Code, a county, a municipality, a school district, a hospital district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public school employee, is excepted from [required public disclosure]. If information in an audit working paper is also maintained in another record, that other record is not excepted from [public disclosure] by this section.

(b) In this section:

(1) “Audit” means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, the bylaws adopted by or other action of the governing board of a hospital district, a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

(2) “Audit working paper” includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including:

(A) intra-agency and interagency communications; and

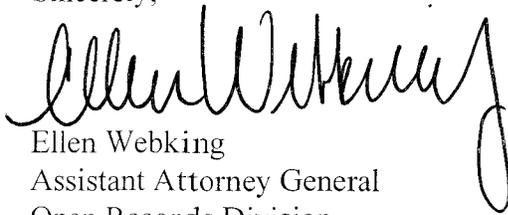
(B) drafts of the audit report or portions of those drafts.

Gov’t Code § 552.116. We understand the Criminal Justice Division (the “CJD”) of the governor’s office is authorized by state law to administer certain grants for law enforcement purposes. *See id.* § 772.006(a)(2) (CJD administers the criminal justice planning fund). You state the governor’s office conducted an audit of the city’s compliance with grant financial and administrative activities related to a grant received by the city from CJD. You state the audit was authorized by section 3.2601 of Title 1 of the Administrative Code. *See* 1 T.A.C. §§ 3.2601(a) (CJD monitors grantees’ activities to ensure grant funds used for authorized purposes and grantees achieve grant purposes), .2601(b). You explain the submitted information was prepared or maintained in conducting the audit or preparing the audit report. Based on these representations and our review, we conclude the submitted information consists of audit working papers prepared or maintained by the governor’s office in conducting an audit authorized or required by a statute of this state. *See id.* § 552.116(a), (b)(1), (b)(2). Therefore, the governor’s office may withhold the submitted information under section 552.116 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ellen Webking
Assistant Attorney General
Open Records Division

EW/akg

Ref: ID# 555151

Enc. Submitted documents

c: Requestor
(w/o enclosures)