



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 1, 2015

Mr. Ira Davis
Executive Director
Capital Area Private Defender Service
816 Congress Avenue, Suite 700
Austin, Texas 78701

OR2015-20623

Dear Mr. Davis:

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# 581581.

The Capital Area Private Defender Service ("CAPDS") received a request for all vouchers paid above the flat fee as of a specified date and the criteria used to determine the vouchers.¹ You state you have released some information. You claim to the remaining requested information is not subject to the Act. We have considered your arguments and reviewed the submitted representative sample of information.²

¹You indicate CAPDS sought and received clarification of the request for information. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

²This 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).

Initially, we note the submitted screenshots are not responsive to the present request for information because they do not consist of vouchers. This ruling does not address the public availability of any information that is not responsive to the request, and CAPDS need not release such information in response to this request.

CAPDS claims it does not maintain, own, or have a right of access to the requested vouchers and, thus, the vouchers are not “public information” subject to the Act. Section 552.002(a) defines “public information” as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body;
- (2) for a governmental body and the governmental body:
 - (A) owns the information; [or]
 - (B) has a right of access to the information[.]

Id. § 552.002(a)(1), (2)(A)-(B). 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). The Act also encompasses information that a governmental body does not physically possess, if the information is collected, assembled, or maintained for the governmental body, and the governmental body owns the information or has a right of access to it. Gov’t Code § 552.002(a)(2); *see* Open Records Decision No. 462 at 4 (1987). Moreover, section 552.001 of the Act provides that it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. *See* Gov’t Code § 552.001(a). CAPDS claims it does not maintain, own, or have access to the requested vouchers. CAPDS explains it contracts with Travis County (the “county”) to perform certain services, including selecting attorneys qualified to represent indigent defendants, approving investigator and expert services, and determining compensation for such services. CAPDS further explains, pursuant to the contract between it and the county, CAPDS has limited access to the electronic system the county uses to process payment requests electronically submitted by attorneys. CAPDS states, once a payment request has been submitted through the system, CAPDS staff makes a payment determination, which the system electronically then forwards to the county auditor for payment at which point the payment is formed into a voucher. After payment is made by the county commissioner’s court, the voucher is filed with the district or county clerk for filing, and the electronic version is held by the county auditor. CAPDS explains the system was developed and funded by the county, is hosted on servers owned by the county, and is maintained exclusively by the county. Additionally, CAPDS states it does not have access to and is not able to view the actual vouchers. Based

on these representations and our review, we find the requested vouchers are not maintained in connection with the transaction of official business of CAPDS. See Gov't Code § 552.021. Therefore, we conclude the requested vouchers are not subject to the Act and need not be released in response to this request.

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,

A handwritten signature in cursive script that reads "Mili Gosar".

Mili Gosar
Assistant Attorney General
Open Records Division

MG/akg

Ref: ID# 581581

c: Requestor