



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 2, 2015

Ms. Pamela C. Hicks
Counsel for Corrections Corporation of America
Beirne, Maynard & Parsons, L.L.P.
1300 Post Oak Boulevard, Suite 2500
Houston, Texas 77056-3000

OR2015-25106

Dear Ms. Hicks:

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# 589115.

The Corrections Corporation of America (the "corporation") received a request for twenty categories of information pertaining to the corporation's operation of the South Texas Family Residential Center Educational Campus. You ask whether the corporation is subject to the Act under chapter 552 of the Government Code.

You assert the corporation is not a governmental body, and therefore it is not subject to the Act. The Act defines "governmental body" in pertinent part as:

the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]

Id. § 552.003(1)(A)(xii). "Public funds" means "funds of the state or of a governmental subdivision of the state." *Id.* § 552.003(5). The Texas Supreme Court has defined "'supported in whole or part by public funds' to include only those private entities or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds." *Greater Houston P'ship v. Paxton*, 468 S.W.3d 51, 63 (Tex. 2015). Thus, section 552.003(1)(A)(xii) encompasses only those

private entities that are dependent on public funds to operate as a going concern, *see id.* at 61, and only those entities acting as the functional equivalent of the government, *see id.* at 62.

You state the corporation contracted with the City of Eloy, Arizona, which in turn had contracted with the U.S. Immigration and Customs Enforcement, for the provision of family residential care services at the South Texas Family Residential Center. You state the corporation is under a contract with the City of Eloy and it is not receiving funds from any Texas governmental body. Additionally, you state that the only payments the corporation receives under its contract are for services rendered and that the corporation is not subsidized or underwritten by government funds. Upon review of your representations, we find the corporation is not sustained by public funds for purposes of the Act. *See id.* Consequently, the corporation does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code and is not subject to the Act. Accordingly, the corporation need not respond to the request for information.

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,


Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/dls

Ref: ID# 589115

c: Requestor