



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 31, 2016

Mr. Ray Harris  
Interim City Manager  
City of George West  
406 Nueces Street  
George West, Texas 78022

OR2016-07234

Dear Mr. Harris:

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# 604044.

The City of George West (the "city") received several requests for information for communications between specified individuals as well as specified documents.<sup>1</sup> You state the city is releasing some of the requested information. We understand you to claim the remaining requested information is not subject to the Act. We have considered your arguments and reviewed the submitted information.

We note you have not submitted any information responsive to the categories of the requests pertaining to the communications between specified individuals. To the extent information responsive to these portions of the requests existed and was maintained by the city on the date it received the requests, we assume the city has released it to the requestor. If the city has not released any such information, it must do so at this time. Gov't Code

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<sup>1</sup>We note the city failed to comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(è) (requiring governmental body to submit within fifteen business days of receiving request for information comments explaining applicability of raised exceptions, copy of request for information, signed statement of date governmental body received request or evidence sufficient to establish date, and copy of information governmental body seeks to withhold or representative samples). As you have not submitted a copy of one of the requests for information for our review, we take our description from your brief to our office.

§§ 552.301(a), .302; Open Records Decision No. 664 (2000) (noting that if a governmental body concludes that no exceptions apply to the requested information, it must release information as soon as possible under circumstances).

We understand you to argue the information at issue is not subject to the Act. The Act is applicable only to “public information.” See Gov’t Code §§ 552.002, .021. 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;

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer’s or employee’s official capacity and the information pertains to official business of the governmental body.

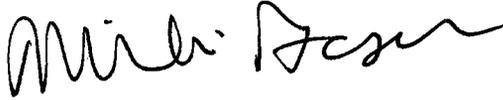
*Id.* § 552.002(a). Information is “in connection with the transaction of official business” if it is “created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer’s or employee’s official capacity, or a person or entity performing official business or a government function on behalf of a governmental body, and pertains to official business of the governmental body.” *Id.* § 552.002(a-1). Thus, virtually all the information in a governmental body’s physical possession constitutes public information and is subject to the Act. *Id.*; see Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). Because you submit no arguments to support your assertion, we are unable to find the information at issue is not subject to the Act. As no other arguments against disclosure have been raised, the information at issue 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.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 black ink, appearing to read "Mili Gosar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mili Gosar  
Assistant Attorney General  
Open Records Division

MG/akg

Ref: ID# 604044

Enc. Submitted documents

c: Requestor  
(w/o enclosures)