



THE ATTORNEY GENERAL  
OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL  
ATTORNEY GENERAL

December 10, 1974

The Honorable Glynn B. Williamson  
Superintendent  
Rains Independent School District  
P. O. Box 247  
Emory, Texas 75440

Open Records Decision No. 60

Re: Is a citizen entitled to  
obtain copies of school  
board minutes under the  
Open Records Act?

Dear Dr. Williamson:

A representative of the news media has requested that you disclose copies of the Rains School Board minutes after they have been approved. In accordance with section 7(a) of the Texas Open Records Act, article 6252-17a, V. T. C. S., you have forwarded the request to us with the following questions:

1. Must approved school board minutes be provided to a newspaper for publication?
2. Must minutes containing information concerning employment, salaries, discipline, and dismissal of personnel be disclosed?
3. If the information is public, must the school board permit verbatim copying of the board minutes by a citizen?
4. Must a representative of a news media be allowed upon request to copy approved minutes, verbatim for purposes of publication?

The purpose of the Open Records Act is to give the public full and complete information regarding the affairs of government and the

official acts of those who represent them as public officials and employees." Sec. 1. To accomplish this declared purpose, the Legislature has provided that information maintained by a governmental body pursuant to the transaction of official business is accessible to the public, unless it falls within a limited number of exceptions. Sec. 3(a). Minutes are the recordation of the transaction of official business, and for the most part, are the very sort of materials that were to be made public by the Open Records Act.

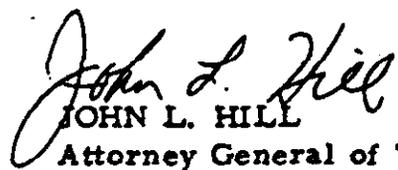
The second issue is whether certain information concerning employment, salaries, discipline, and dismissal of personnel can be deleted before the minutes are disclosed. In answering this question we note that the Open Meetings Act, article 6252-17, V. T. C. S., permits a governmental body to exclude the public from discussions "involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal" of employees, unless the affected employee requests an open hearing (sec. 2(g)), and so long as final actions, decisions, and votes are taken in public session (sec. 2(g)). To the extent that the minutes of the Board reflect discussion properly held in closed session we believe the public policy embodied in these provisions of the Open Meetings Law permits the non-dissemination of those portions of the minutes. It is our view that this information falls within the umbrella of sections 3(a)(1) and 3(a)(2) of the Open Records Act. Of course, the Board is required to reveal the portions of the minutes reflecting final actions, decisions and votes. See also sec. 6(a)(4) of the Open Records Act which specifically makes public "the names of every official and the final record of voting on all proceedings in governmental bodies."

Your third and fourth questions are answered by section 4 of the Open Records Act. It states:

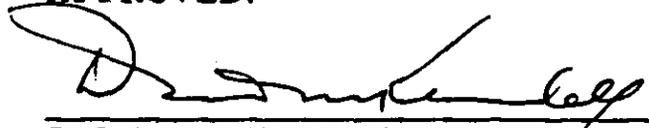
On application for public information . . . by any person, the custodian [of the records] shall promptly produce such information for inspection or duplication or both . . . (Emphasis added)

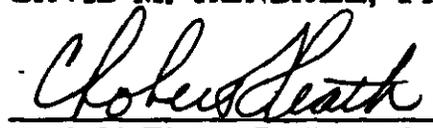
Therefore we answer all your questions in the affirmative with the single caveat that portions of the minutes reflecting discussion properly held in closed session are not required to be revealed. This narrow exception to the scope of material which must be revealed does not extend to votes, decisions or final actions.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
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DAVID M. KENDALL, First Assistant

  
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C. ROBERT HEATH, Chairman  
Opinion Committee