



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 6, 1993

Ms. Laura S. Groce  
Henslee, Ryan & Groce  
Great Hills Plaza  
9600 Great Hills Trail, Suite 300 West  
Austin, Texas 78759-6303

OR93-430

Dear Ms. Groce:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 20314.

The Carrizo Springs Consolidated Independent School District (the "school district") has received a request for the tape recording of an executive session of the board of trustees for the school district. You contend the tape recording is excepted from public disclosure under section 3(a)(3) and 3(a)(7) of the Open Records Act.

Although you did not raise section 3(a)(1), the Office of the Attorney General will raise section 3(a)(1) on behalf of a governmental body where that section may apply to requested information. Open Records Decision No. 481 (1987) at 2. Section 3(a)(1) excepts "information deemed confidential by law, either Constitutional, statutory, or by judicial decision."

We assume that your reference to an "executive session" of the board of trustees of the school district refers to a closed meeting of the trustees held in compliance with the Open Meetings Act. V.T.C.S. art. 6252-17, § 2 (setting forth requirements of a closed meeting under the act). Section 2A of the Open Meetings Act, V.T.C.S. article 6252-17, provides in part that:

(c) The certified agenda . . . of closed or executive sessions shall be made available for public inspection and copying *only upon court order in an action brought under [the Open Meetings Act]*.

(d) In lieu of the requirements for maintaining a certified agenda as provided in Subsections (a), (b), and (c) of this section, a

governmental body may make a tape recording of the proceedings.  
[Emphasis added.]

Section 2A of the Open Meetings Act makes the certified agenda or tape recording of an executive session confidential. Accordingly, you must withhold the requested information from public disclosure under section 3(a)(1). Open Records Decision No. 495 (1988) at 3. Because we resolve your request under section 3(a)(1), we do not address your section 3(a)(3) and section 3(a)(7) claims.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Mary R. Crouter  
Assistant Attorney General  
Opinion Committee

MRC/LBC/lmm

Ref.: ID# 20314