



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 22, 1996

Ms. Tracy C. Calabrese
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR96-0765

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39613.

The City of Houston (the "city") received a request for all files, correspondence, minutes, and audiotapes of the city's Ethics Committee's investigation of a councilmember. You are making most of the requested information available to the requestor. However, you contend that the certified agenda of the committee's executive deliberations is excepted from required public disclosure under section 552.101 of the Government Code. We agree.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 551.104 of the Government Code, the Open Meetings Act, makes the requested information confidential. *See* Gov't Code §§ 551.104(c) ("The certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)"), 551.146 (public disclosure of a certified agenda of a meeting that was lawfully closed to the public is prohibited); Open Records Decision No. 495 (1988) (Open Meetings Act specifically makes confidential certified agendas or tapes of executive sessions). Accordingly, you must withhold the requested information under section 552.101 as information deemed confidential by law.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Todd Reese". The signature is fluid and cursive, with a long horizontal stroke at the end.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref: ID# 39613

Enclosures: Submitted document

cc: Mr. Alfred Santos
P.O. Box 7654
Houston, Texas 77270
(w/o enclosures)