



## Office of the Attorney General

State of Texas

September 17, 1996

DAN MORALES

ATTORNEY GENERAL

Mr. Jeffrey J. Horner  
Bracewell & Patterson, L.L.P.  
711 Louisiana Street, Suite 2900  
Houston, Texas 77002-2781

OR96-1701

Dear Mr. Horner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101117.

The La Porte Independent School District (the "district"), which you represent, received two requests for certified tapes of two separate executive session meetings of the district's Board of Trustees. You assert that the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

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, a provision of 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)"); *see also* 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, appearing to read "Todd Reese".

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref: ID# 101117

cc: Ms. Sharon Gail Russell  
16022 Buccaneer  
Houston, Texas 77062