



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 11, 1996

Mr. Stephen R. Alcorn
Assistant City Attorney
City of Grand Prairie
P.O. Box 534045
Grand Prairie, Texas 75053-4045

OR96-2349

Dear Mr. Alcorn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102419.

The City of Grand Prairie (the "city") received a request for the following information:

- Arrest Warrant Affidavits for Diane Zamora and David Graham, both arrested for the murder of Adrienne Jones of Manfied [sic].
- Jail Visitor Log for dates of Sept. 5 through Sept. 9.

You have apparently released the arrest warrant affidavits to the requestor. As for the jail visitor log, you contend that the log is not public information subject to the Open Records Act, or in the alternative that the log is excepted from disclosure under section 552.101 of the Government Code. You have submitted a copy of the log to this office for review.

You state that "[t]he jail visitor log is not 'public information,' in that it is not collected, assembled, or maintained by a governmental body under a law or ordinance and not in connection with the transaction of official business." We disagree. Virtually all information in the physical possession of a governmental body is subject to the Open Records Act. Open Records Decision No. 549 (1990). Consistent with prior rulings of this office, we conclude that the jail visitor log is public information subject to required public disclosure under the Open Records Act. *See, e.g.,* Open Records Decision No. 430 (1985). Thus, we must reach the issue of whether the jail visitor log is excepted from disclosure pursuant to section 552.101 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." In Open Records Decision No. 430 (1985), we reached the following conclusion:

Recent cases establish that inmates have at least a qualified constitutional right to visit with outsiders and suggest that the converse is also true In our opinion, the release of visitor lists could compromise those rights We therefore conclude that an inmate's visitor lists are excepted under section 3(a)(1) [predecessor to Gov't Code § 552.101] as information deemed confidential by constitutional law.

Id. at 6 (citations omitted). In accordance with Open Records Decision No. 430 (1985), the city must withhold the jail visitor log from disclosure pursuant to section 552.101 of the Government Code.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 102419

Enclosures: Submitted documents

cc: Ms. Veronica Alaniz
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(w/o enclosures)