



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 13, 1998

Ms. Kristi LaRoe  
Assistant District Attorney  
Office of the Criminal District Attorney  
Tarrant County  
401 W. Belknap  
Fort Worth, Texas 76196-0201

OR98-0695

Dear Ms. LaRoe:

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# 112404.

The Tarrant County District Attorney's Office (the "county") received a request for "[a]ny and all financial records in the possession of the Tarrant County Sheriff's Department pertaining to the Tarrant County Sheriff's Auxiliary Fund and the Tarrant County Sheriff's Benevolent Fund. . . . [R]ecords of any and all revenues, including donations and monthly balances. Records of any and all expenditures, also including donations, or other disbursements of monies, dating from the creation of each fund . . . ." You indicate that you have provided the requested information pertaining to the Tarrant County Sheriff's Auxiliary Fund, but claim that the remaining requested information is not subject to the Open Records Act. You alternately claim that the information is excepted from disclosure under section 552.101 of the Government Code. We have considered the arguments you assert, the exception you claim and we have reviewed the submitted information.

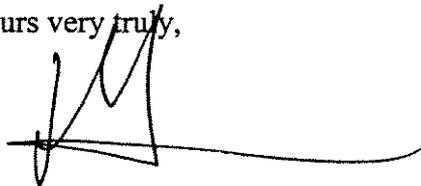
Information is generally public if it is collected, assembled, or maintained under a law, ordinance, or in connection with the transaction of official business (1) by a governmental body or (2) for a governmental body and the governmental body owns the information or has a right of access to it. *See* Gov't Code section 552.021(a).

In Open Records Opinion No. 635 (1995) we observed that certain factors are relevant in deciding whether a document is essentially a governmental or personal document: who prepared the document; the nature of its contents; its purpose or use; who possessed it; who had access to it; whether the governmental body required its preparation; and whether its

existence was necessary to or in furtherance of official business. Using these factors, we believe the fund is not a public record subject to the act as a matter of law. We base our conclusion on the following *assumptions*: no public resources are used to maintain the fund records; they are not maintained as a part of the chaplain's official job duties; the fund records are in the sole possession of the chaplain and not accessible to other sheriff's department employees. Thus, the records at issue are not subject to chapter 552 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', with a long horizontal flourish extending to the right.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/alg

Ref.: ID# 112404

Enclosures: Submitted documents

cc: Mr. Neil Strassman  
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