



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 16, 1998

Ms. Rochel J. Lemler  
Gonzalez & Lemler, P.C.  
8122 Datapoint Drive, Suite 328  
San Antonio, Texas 78229

OR98-1488

Dear Ms. Lemler:

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# 116189.

Alamo Workforce Development Incorporated ("AWD") received an open records request for, among other things, the notes that were taken by AWD employees during a particular meeting. You have not raised any of the exceptions to required public disclosure listed in subchapter C of chapter 552 of the Government Code, but rather contend that the requested notes are not "public information" for purposes of the Open Records Act. You explain that

[s]ince this meeting was an informal conference there are no minutes or transcripts of the meeting and AWD did not require any of its employees to take notes during that conference. However, two AWD employees did take the enclosed notes during this conference. AWD believes that these notes are not subject to the Open Records Act because they are personal notes maintained in these employees possession and made solely for their own use.

Section 552.021 of the Open Records Act provides in pertinent part:

(a) Information is public information if, under a law or ordinance or *in connection with the transaction of official business*, it is collected, assembled, or maintained:

(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.

Gov't Code § 552.021 (emphasis added). It is immaterial under the act whether an official who holds records regarding official business has discretion to generate or maintain the records. *See* Open Records Decision No. 626 (1994) and authorities cited therein. It is clear from a review of the "personal notes" that they were created and are being maintained by AWD public employees in connection with official business. Consequently, these records cannot be deemed to be outside the scope of the Open Records Act. *See also* Open Records Decision No. 450 (1986) at 3-4. Because you have raised none of the act's exceptions to disclosure with regard to these notes, the AWD must release these documents in their entirety.

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,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/RWP/ glg

Ref.: ID# 116189

Enclosures: Submitted documents

cc: Ms. Suzanne Sims  
10004 Wurzbach Road, # 281  
San Antonio, Texas 78230  
(w/o enclosures)