



October 11, 1999

Ms. Maureen E. Ray  
Assistant General Counsel  
State Bar of Texas  
P.O. Box 12487  
Capitol Station  
Austin, Texas 78711-2487

OR99-2898

Dear Ms. Ray:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129004.

The State Bar of Texas (the "state bar") received a written request for its "media lists and press contacts." You inform this office that the state bar has released some responsive information to the requestor. You contend, however, that the contents of a computer disk the state bar purchased from Texas Media Directory of Driftwood, Texas constitutes "commercially available" information that is not subject to required public disclosure pursuant to section 552.027 of the Government Code.

Section 552.027 of the Government Code provides:

(a) A governmental body is not required under this chapter to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the governmental body for research purposes if the book or publication is commercially available to the public.

(b) Although information in a book or publication may be made available to the public as a resource material, such as a library book, a governmental body is not required to make a copy of the information in response to a request for public information.

(c) A governmental body shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of a governmental body.

Section 552.027 is designed to alleviate the burden of providing copies of commercially available books, publications, and resource materials maintained by governmental bodies, such as telephone directories, dictionaries, encyclopedias, statutes, and periodicals. The legislative history of this provision notes that section 552.002 should exclude from the definition of public information

books and other materials that are also available as research tools elsewhere to any member of the public. Thus, although *public library books* are available for public use, the library staff will not be required to do research or make copies of books for members of the public.

INTERIM REPORT TO THE 74TH LEGISLATURE OF THE HOUSE STATE AFFAIRS COMM., 74th Leg., R.S., SUBCOMMITTEE ON OPEN RECORDS REVISIONS 9 (1994) (emphasis added). Therefore, section 552.027 excludes commercially available research material from the definition of "public information." Because the Texas Media Directory is commercially available to the public, we conclude that the state bar need not release it to the requestor.

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.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/RWP/nc

Ref.: ID# 129004

cc: Mr. Stephen N. Lisson  
INITIATE!!  
P.O. Box 2013  
Austin, Texas 78768-2013  
(w/o enclosures)