



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 19, 2009

Mr. Deron Robinson  
Henslee Schwartz LLP  
Attorney for Red Oak Independent School District  
306 West 7<sup>th</sup> Street, Suite 1045  
Fort Worth, Texas 76102

OR2009-11625

Dear Mr. Robinson:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 355627.

The Red Oak Independent School District (the "district"), which you represent, received a request for a complete audio recording or transcript of a June 1, 2009 district board meeting. You state some information will be made available to the requestor. You claim the requested audio recording is excepted from disclosure under section 552.101 of the Government Code.<sup>1</sup> We have considered the exception you claim. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that other statutes make confidential. You raise section 552.101 in conjunction with section 551.104 of the Government Code, which provides that "[t]he certified agenda or tape of a closed meeting

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<sup>1</sup> We note that the district is not required to submit a certified agenda or tape recording of a closed meeting to this office for review. *See* Open Records Decision No. 495 at 4 (attorney general lacks authority to review certified agendas or tapes of executive sessions to determine whether a governmental body may withhold such information from disclosure under statutory predecessor to section 552.101 of the Government Code).

is available for public inspection and copying only under a court order issued under Subsection (b)(3).” *Id.* § 551.104(c). Thus, such information cannot be released to a member of the public in response to an open records request. *See* Open Records Decision No. 495 at 4 (1988). You seek to withhold an audio recording from the executive session of a June 1, 2009 district board meeting. Based on your representations, we agree the district must withhold the requested information from public disclosure under section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Jessica Eales  
Assistant Attorney General  
Open Records Division

JCE/eb

Ref: ID# 355627

Enc. Submitted documents

c: Requestor  
(w/o enclosures)