



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 17, 2010

Mr. Randall J. Cook
Hardy & Atherton
One American Center, Suite 70
909 East South East Loop 323
Tyler, Texas 75701

OR2010-02376

Dear Mr. Cook:

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# 374714.

The Overton Independent School District (the "district"), which you represent, received a request for transcripts, minutes, notes or decrees from a specified school board meeting, including information pertaining to a specified incident. You state the district has released the minutes from the open portions of the meeting. You state the remaining responsive information consists of a certified agenda. You claim that the certified agenda is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. Section 551.104(c) of the Government Code provides that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)."¹ *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

¹As you acknowledge, the district is not required to submit the certified agenda of a closed meeting to this office for review. *See* Open Records Decision No. 495 at 4 (1988) (attorney general lacks authority to review certified agendas or tapes of executive sessions to determine whether a governmental body may withhold such information under statutory predecessor to Gov't Code § 552.101).

Decision No. 495 (1988). You inform us that the information at issue consists of a certified agenda of a closed meeting of the district's school board. Therefore, the district must withhold this information from the public pursuant to section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code.²

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, 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, toll free at (888) 672-6787.

Sincerely,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/jb

Ref: ID# 374714

c: Requestor

²We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including certified agendas of closed meetings under section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code, without the necessity of requesting an attorney general decision.