



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 11, 2010

Mr. Ricardo R. Lopez
Feldman, Rogers, Morris & Grover, L.L.P.
517 Soledad Street
San Antonio, Texas 78205-1508

OR2010-03531

Dear Mr. Lopez:

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# 372736.

As legal counsel for the North East Independent School District (the "district"), your firm received a request for a recording of a specified deposition. You claim that the requested information is excepted from disclosure under section 552.103 of the Government Code. We have considered your arguments and reviewed the submitted information. We have also considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit written comments concerning disclosure of requested information).

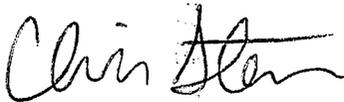
Initially, we will consider whether the submission of the request for information to your firm triggers the Act. Section 552.221(a) of the Government Code states that "[a]n officer for public information of a governmental body shall promptly produce public information for inspection, duplication, or both on application by any person to the officer. *Id.* § 552.221(a). Further, section 552.301 of the Government Code provides that a governmental body's duty to request a decision from this office as to whether information may be properly withheld under the Act does not arise until the governmental body receives a written request for the information. *Id.* § 552.301. The request for information in this instance was made to your law firm and not to the district. You state, in your brief to our office, that you "are not an officer or employee of the [d]istrict[.]" Thus, although your firm is acting as the district's agent with respect to legal matters of the district, we have no indication that your firm is the district's agent for the purpose of receiving public information requests under the Act. *See*

Open Records Decision Nos. 617 (1993) (Director and Librarian of Texas State Library and Archives Commission ("TSLAC") was not proper agent for open records request for state agency records archived by TSLAC because state agency still had legal custody of records at issue and TSLAC was not in position to determine proper arguments for records it held as archivist); 576 (1990) (comptroller of public accounts was governmental body's agent for receiving public information requests because it had agreed to serve as agent for records of governmental body that comptroller maintained on governmental body's behalf). Accordingly, the instant request to your firm does not trigger the Act and your firm need not respond to the request.

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,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 372736

Enc. Submitted documents

c: Requestor
(w/o enclosures)