



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 3, 2010

Mr. Ken Lambrecht  
President & CEO  
~~Planned Parenthood of the Texas Capital Region~~  
201 East Ben White Boulevard, Building B  
Austin, Texas 78704

OR2010-08073

Dear Mr. Lambrecht:

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# 381560.

The Planned Parenthood of the Texas Capital Region (the "PPTCR") received two requests from the same requestor for (1) a copy of PPTCR's check register for the most recent fiscal year; (2) a copy of PPTCR's vendor contracts; and (3) a copy of PPTCR's contracts with state entities.<sup>1</sup> You claim PPTCR is not a governmental body subject to the Act. Alternatively, you claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments. 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).

The Act applies to "governmental bodies" as that term is defined in section 552.003(1)(A) of the Government Code. You assert PPTCR is not a governmental body, and, therefore, its records are not subject to the Act. Section 552.003(1)(A) defines "governmental body" in part as:

(xi) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state; and

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<sup>1</sup>As you have not submitted a copy of the requests for information, we take our description from your brief.

(xii) the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]

Gov't Code § 552.003(1)(A)(xi), (1)(A)(xii). The phrase "public funds" means funds of the state or of a governmental subdivision of the state. *Id.* § 552.003(5). You explain that PPTCR is not eligible to receive funds under the federal services block grant program and is not authorized by the state to serve a geographic area. Further, you state that PPTCR does not receive any funds from the state or contract with any state entities. Although the requestor provides documentation demonstrating that PPTCR received \$72 through the Texas Department of Assistive and Rehabilitative Services in fiscal year 2009, we find these funds do not make PPTCR a governmental body for purposes of this public information request. Accordingly, based on your representations and our review, we find PPTCR is not a governmental body under the Act, and thus, PPTCR need not respond to the present request for information.

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

Sincerely,



Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/dls

Ref: ID# 381560

Enc. Submitted documents

c: Requestor  
(w/o enclosures)