



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 13, 2010

Mr. W. Clayton Cain
Cullen, Carsner, Seerden & Cullen, L.L.P.
For Victoria Independent School District
P.O. Box 2938
Victoria, Texas 77902-2938

OR2010-12346

Dear Mr. Cain:

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# 390659.

The Victoria Independent School District (the "district"), which you represent, received a request for four categories of records pertaining to the Memorial High School drill team booster club (the "booster club"). You indicate the district has no information responsive to portions of the request. You claim the remaining requested information is not public information subject to disclosure under the Act. In the alternative, you claim the remaining requested information is excepted from disclosure under sections 552.101 and 552.114 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹ We have also received and considered comments submitted by interested third parties. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information).

You contend the requested information is not public information subject to the Act, which applies only to "public information." *See id.* § 552.021. Section 552.002 of the Government Code defines public information as:

information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and, therefore, does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(1) by a governmental body; or

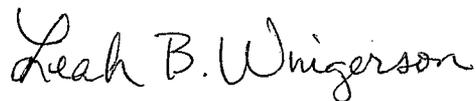
(2) for a governmental body and the governmental body owns the information or has a right of access to it.

Id. § 552.002. Information is generally subject to chapter 552 when it is held by a governmental body and it relates to the official business of a governmental body, or is used by a public official or employee in the performance of official duties. Open Records Decision No. 635 (1995). You inform us the information at issue consists of the booster club's internal records, including financial records and records of participation. You represent the booster club is a separate entity and operates completely independently from the district. You explain the requested records "are not created or maintained by [the district] and do not belong to the [the district]." Furthermore, you indicate the district does not own or have a right of access to the records. Based on your representations, we agree the booster club records at issue are not "public information" under the Act because the records are not collected, assembled, or maintained by or for the district. *See* Gov't Code § 552.002. Thus, the district is not required to disclose this information under the Act.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,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

²As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 390659

Enc. Submitted documents

c: Requestor
(w/o enclosures)

3 Third Parties
(w/o enclosures)