



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 20, 2010

Mr. Erik T. Dahler
General Counsel
Alamo Community College District
201 West Sheridan, Building C-8
San Antonio, Texas 78204-1429

OR2010-14209

Dear Mr. Dahler:

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# 393967.

The Alamo Community College District (the "district") received a request for the chancellor's updated schedule for June and July, his schedule for August, September, and October, nineteen categories of information related to the chancellor's July schedule, and the trustees' schedules for July, August, September, and October. You state you have released some of the requested information. You claim portions of the submitted information are not subject to the Act. Alternatively, you claim these portions are excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.

You claim the calendar entries you have marked are not subject to the Act. The Act is applicable only to "public information." See Gov't Code §§ 552.002, .021. Section 552.002(a) provides that "public information" consists of

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

- (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(a). Thus, virtually all of the information in a governmental body's physical possession constitutes public information and thus is subject to the Act. *Id.* § 552.002(a)(1); *see* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). You state that the marked entries consist of notations made by the chancellor. You have also submitted an affidavit from the chancellor's administrative assistant stating that the marked entries are not associated with any district business. Based on these representations and our review of the submitted information, we conclude that the calendar entries you have marked do not constitute public information for the purposes of section 552.002 of the Government Code. *See* Open Records Decision No. 635 at 4 (1995) (section 552.002 not applicable to personal information unrelated to official business and created or maintained by state employee involving *de minimis* use of state resources). Therefore, the calendar entries you have marked are not subject to the Act, and the district need not release them in response to this request.¹

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,



Kate Hartfield
Assistant Attorney General
Open Records Division

KH/em

Ref: ID# 393967

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As we are able to make this determination, we need not address the exception you raise against disclosure of this information.