



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 2, 2010

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

OR2010-16544

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# 400307.

The Alamo Community College District (the "district") received a request for (1) schedules for all vice-chancellors and presidents; (2) updated schedules for all trustees; (3) all memoranda, e-mails, etc. associated with the dismissal of the adjunct faculty council until the presidents have surveyed receptivity to the idea; (4) a list of all the people who were fired or who quit since 2006; and (5) new information about the submission regarding a specified person's schedule that was made to this office. You claim portions of the submitted information are not subject to the Act.

Initially, we note some of the submitted information was created after the date of the request. Thus, this information is not responsive to the instant request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the district is not required to release that information.

We also note you have not submitted information responsive to item 1 for schedules before January 1, 2010 for the vice-chancellors, before January 1, 2010 for the presidents of North East Lakeview College and Palo Alto College, before January 3, 2010 for the presidents of San Antonio College and North West Vista College, and before January 1, 2010 and between July 1, 2010 and August 29, 2010 for the president of St. Phillips College. Additionally, we

note you have not submitted any information responsive to items 2, 3, 4, and 5. We assume, to the extent other schedules responsive to item 1 and any information responsive to items 2, 3, 4, and 5 existed when the district received the request for information, you have released this information to the requestor. If not, then you must do so at this time. *See* Gov't Code §§ 552.006, .301, .302; Open Records Decision No. 664 (2000).

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 assert the marked entries are not public information for the purposes of section 552.002 of the Government Code because they were not collected, assembled, or maintained in connection with official business. However, upon review, we find you have failed to demonstrate how some of the marked entries are not connected with the transaction of official business. Thus, based on our review of the information at issue, we find the information we have marked constitutes "public information" as defined by section 552.002(a). Because this information is subject to the Act, it must be released unless it falls within the scope of an exception to disclosure. *See* Gov't Code §§ 552.301, .302. As you raise no exceptions for this information, it must be released. The district may withhold the remaining entries it marked in the information at issue as information not collected, assembled, or maintained in connection with the transaction of official business. *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).

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,

A handwritten signature in black ink, appearing to read "Sean Nottingham". The signature is fluid and cursive, with the first name "Sean" and last name "Nottingham" clearly distinguishable.

Sean Nottingham
Assistant Attorney General
Open Records Division

SN/eeg

Ref: ID# 400307

Enc. Submitted documents

c: Requestor
(w/o enclosures)