



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 26, 2011

Ms. Linda Ambrose  
Treasurer & Vice Chairman of Compliance  
Republican Party of Upshur County  
P.O. Box 1448  
Gladewater, Texas 75647

OR2011-05714

Dear Ms. Ambrose:

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# 415864.

The Republican Party of Upshur County (the "RPUC") received a request for: (1) deposits and checks for the RPUC primary fund for a specified period of time; (2) deposits and checks for the RPUC for a specified period of time; and (3) RPUC service agreements and/or contracts for professional services and lease or rental agreements. You ask whether the RPUC is subject to the Act. We have considered your inquiry and reviewed the submitted information.

The Act requires a governmental body to make information that is within its possession or control available to the public, with certain statutory exceptions. *See* Gov't Code §§ 552.002(a), .006, .021. Under the Act, the term "governmental body" includes several enumerated kinds of entities and "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[.]" *Id.* § 552.003(1)(A)(xii). "Public funds" means funds of the state or of a governmental subdivision of the state. *See id.* § 552.003(5).

We note the primaries of political parties are financed by public funds. *See* Elec. Code §§ 173.001 (secretary of state may spend state funds to pay expenses incurred by a political party in connection with a primary election and includes state funds paid to county chair),

.031(county primary fund is created for each county executive committee of a political party holding a primary) .081-.088 (subchapter D entitled "State Financing," establishing reporting and payment requirements with the secretary of state for political parties in connection with primary expenses). We further note a Texas district court has held the Dallas County Democratic Executive Committee was a governmental body subject to the Act relying on the fact that it was supported in part by and did expend public funds. *See Pangburn v. Debusk*, Civ. No. 74-2552-C, Dist. Ct. of Dallas County, 68<sup>th</sup> Judicial Dist. of Texas, May 2, 1974. *See* Comment, *The Texas Open Records Act: A Section-by-Section Analysis*, 14 *Houston L. Rev.* 398, 403 (1977). *See also* Open Records Decision Nos. 146 (1976) (information concerning city elections is available to the public under the Open Records Act), 228 (1979) (North Texas Commission is a governmental body under the Open Records Act); *see also* Attorney General Opinion MW-175 (1980) (nominating petitions for primary elections in the custody of political parties are available for public inspection under the Open Records Act).

In this instance, some of the information at issue appear to consist of public funds from the secretary of state in connection with the RPUC's primary fund and thus may subject the RPUC to the Act. Accordingly, to the extent the RPUC is supported in part by and expends public funds, it is subject to the Act. In such an instance, the submitted information that relates to the part of the RPUC that spends or is supported in part by public funds is subject to the Act and we will consider whether any of this information is excepted from disclosure under the Act.

We note the RPUC has redacted bank account numbers and bank account routing numbers. Redaction of these types of information is permitted pursuant to the previous determination issued to all governmental bodies in Open Records Decision No. 684 (2009), which authorizes withholding ten categories of information, including credit card numbers, bank account numbers, and bank account routing numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision. Section 552.136 of the Government Code provides that "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136. An access device number is one that may be used to "(1) obtain money, goods, services, or another thing of value; or (2) initiate a transfer of funds other than a transfer originated solely by paper instrument." *Id.* § 552.136(a). Therefore, to the extent the information at issue relates to a part, section, or portion of the RPUC that spends or is supported in part by public funds, the RPUC must withhold the information you have redacted pursuant to Open Records Decision No. 684 and the additional information we have marked under section 552.136 of the Government Code.

In summary, to the extent the RPUC is supported in part by and expends public funds, it is subject to the Act. In such an instance, to the extent the information at issue relates to a part, section, or portion of the RPUC that spends or is supported in part by public funds, the

RPUC must withhold the information you have redacted pursuant to Open Records Decision No. 684 and the additional information we have marked under section 552.136 of the Government Code and must release the remaining information. To the extent the submitted checks, bills, and expense information do not relate to a part, section, or portion of the RPUC that spends or is supported in part by public funds, this information is not subject to disclosure under the Act and need not be released to the requestor.

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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/eeg

Ref: ID# 415864

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)