



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 5, 2011

Ms. Courtney Kuykendall  
Counsel for the City of Wylie  
Abernathy Roeder Boyd & Joplin, P.C.  
P.O. Box 1210  
McKinney, Texas 75070-1210

OR2011-09507

Dear Ms. Kuykendall:

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# 422740.

The City of Wylie (the "city"), which you represent, received a request for specified documents received by the city during a specified city council meeting. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

The purpose of the Act is to prescribe conditions under which members of the general public can obtain information from a governmental body. *See* Attorney General Opinion JM-119 (1983) (statutory predecessor). An official of a governmental body who, in an official capacity, requests information held by the governmental body is not acting as a member of the public in doing so. Thus, exceptions to public disclosure under the Act do not control the official's right of access to information maintained by the governmental body. *See id.* at 3 (member of community college district board of trustees, acting in official capacity, has an inherent right of access to information maintained by district). In this instance, you state the requestor is a city council member. You also inform us the requestor was acting in his official capacity in requesting the specified documents. The requestor, therefore, has an inherent right of access to this information, and it must be provided to him. The release of this information in this specific instance does not constitute a release to the general public; thus, the city does not waive any potential exceptions to the disclosure of the information.

*See* Open Records Decision No. 666 at 4 (2000) (municipality's disclosure to municipally-appointed citizen advisory board does not constitute release to public as contemplated under section 552.007 of Government Code). We note that because the release of this information to a city council member is not a release to the public, the requestor must be cautious in maintaining the information in the same manner it is maintained by the city. *See generally* Gov't Code § 552.352 (criminal penalties imposed for release of confidential 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,



Kenneth Leland Conyer  
Assistant Attorney General  
Open Records Division

KLC/eb

Ref: ID# 422740

Enc. Submitted documents

c: Requestor  
(w/o enclosures)