



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 20, 2012

Ms. Patricia A. Adams
Town Attorney
Town of Trophy Club
100 Municipal Drive
Trophy Club, Texas 76262

OR2012-00941

Dear Ms. Adams:

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# 442738.

The Town of Trophy Club (the “town”) received a request for e-mails or communications during a specified time period between the mayor and (1) two named individuals and (2) two other named individuals that pertain to the requestor and his wife. You claim the requested information is not public information subject to the Act. In the alternative, you claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.

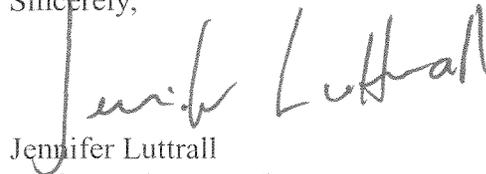
You argue the submitted information is not public information subject to the Act. The Act applies to “public information,” which is defined by section 552.002 of the Government Code as “information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction 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. Gov’t Code § 552.002; *see also id.* § 552.021. Information is generally subject to the Act when it is held by a governmental body and relates to the official business of a governmental body or is used by a public official or employee in the performance of official duties. 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). You contend the submitted e-mails are not public information subject to the Act. You state the e-mails at issue are personal in nature, have no connection with town business, and were

sent to and received from the personal e-mail address of the mayor. Upon review, we agree the submitted information does not constitute “information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business” by or for the town. *See id.* § 552.021. Thus, these e-mails do not constitute public information as defined by section 552.002, and the town is not required to release the submitted information under the Act. As we are able to make this determination, we do not address your argument against disclosure.

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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/dls

Ref: ID# 442738

Enc. Submitted documents

c: Requestor
(w/o enclosures)