



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 2, 2012

Mr. Norman Ray Giles
For City of Galveston
Chamberlain, Hrdlicka, White, Williams & Aughtry, P.P.C.
1200 Smith Street, Suite 1400
Houston, Texas 77002

OR2012-01667

Dear Mr. Giles:

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# 444275.

The City of Galveston (the “city”), which you represent, received a request for “all hearings held (open & close[d] council sessions)” during a specific time period regarding “pretense stops, racial profiling, no tolerance, [and] minor ticket infractions resulting in arrest” and court documents requested by a named individual. You claim the submitted information is excepted from disclosure pursuant to sections 552.103 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Initially, we note you have not submitted the requested court documents. To the extent the requested court documents existed and were maintained by the city on the date the city received the request, we assume you have released them. If you have not released such information, you must do so at this time. *See* Gov’t Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

¹We assume the “representative sample” of information submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Next, we note some of the submitted information in Exhibits C through I, and all of the information in Exhibit J, is not responsive because it does not consist of the specified hearings, or relate to the specified pretense stops, racial profiling, no tolerance, or minor ticket infractions resulting in arrest.² This ruling does not address the public availability of non-responsive information, nor is the city required to release such information in response to this request.

Finally, we note the submitted responsive information consists of the minutes of public meetings of the city council. Minutes of a governmental body's public meetings are specifically made public under the Open Meetings Act, chapter 551 of the Government Code. *See* Gov't Code § 551.022 (minutes and tape recordings of open meeting are public records and shall be available for public inspection and copying on request to governmental body's chief administrative officer or officer's designee). As a general rule, the exceptions to disclosure found in the Act, such as section 552.103, do not apply to information other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Therefore, the remaining responsive information must be released pursuant to section 551.022 of the Government Code.³

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 Burnett
Assistant Attorney General
Open Records Division

JB/dls

²As our determination is dispositive, we need not address your arguments against disclosure of this information.

³As our determination is dispositive, we need not address your arguments against disclosure.

Ref: ID# 444275

Enc. Submitted documents

c: Requestor
(w/o enclosures)