



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 16, 2012

Mr. Albert D. Hammack  
Town Attorney  
Town of Highland Park  
4700 Drexel Drive  
Highland Park, Texas 75205

OR2012-10915

Dear Mr. Hammack:

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# 459027.

The Town of Highland Park (the "town") received a request for all correspondence to or from two named individuals during a specified time period and all Freedom of Information Act requests filed by those named individuals during that same time period. You state you have released most of the requested information with redactions made under section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).<sup>1</sup> You claim the remaining requested information is not subject to the Act. We have considered the submitted arguments and reviewed the submitted information.

We address your contention the submitted e-mails are not subject to the Act. The Act is only applicable to "public information." *See* Gov't Code § 552.021. Section 552.002(a) defines public information 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." *Id.* § 552.002(a). You state the submitted e-mails consist of

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<sup>1</sup>This office issued Open Records Decision No. 684, a previous determination to all governmental bodies authorizing them to withhold specific categories of information without the necessity of requesting an attorney general decision, including an e-mail address of a member of the public under section 552.137 of the Government Code.

personal e-mails that do not relate to the transaction of official town business. *See generally* Open Records Decision No. 635 (1995). You further state these e-mails were sent to or from the employee's personal e-mail address on the employee's personal computer. Upon review of the submitted e-mails, we agree they do 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* Gov't Code § 552.021. Thus, we conclude the submitted e-mails are not subject to the Act, and need not be released in response to this request.

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,



Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/dls

Ref: ID# 459027

Enc. Submitted documents

c: Requestor  
(w/o enclosures)