



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 9, 2012

Mr. Mike Leasor
Counel for Kennedale Independent School District
Harris Cook, LLP
309 East Broad Street
Mansfield, Texas 76063

OR2012-18083

Dear Mr. Leasor:

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# 470570.

The Kennedale Independent School District (the "district"), which you represent, received a request for e-mails between employees of a named entity during a specified time period and the video recording of a specified school board meeting. You state some information has been released. You claim the submitted information is not public information subject to the Act. In the alternative, you claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information. We have also considered comments received from the requestor and interested third parties. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

The Act is applicable to "public information." *See id.* § 552.021. Section 552.002 of the Act provides that "public information" consists of "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 explain the submitted information pertains to the internal financial information of a third-party business. Although the business at issue is owned by district employees, you inform us the submitted information does not itself pertain to any transaction with the district and was not collected, assembled, or maintained for the district. 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 district. *See id.* § 552.021; *see also* Open Records Decision No. 635 (1995) (statutory predecessor not applicable to personal information unrelated to official business and created or maintained by state employee involving *de minimis* use of state resources). Therefore, we agree the submitted information is not subject to the Act, and the district need not release it in response to this request. As our ruling is dispositive, we do not address your remaining 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,



Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/som

Ref: ID# 470570

Enc. Submitted documents

c: Requestor
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