



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 18, 2012

Ms. Carol Longoria
Public Information Coordinator
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2012-20420

Dear Ms. Longoria:

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# 474871 (U.T. OGC# 146801).

The University of Texas at Austin (the "university") received a request for communications of a named university professor pertaining to a specified conference and information pertaining to any eventual payments or complimentary benefits regarding the named university professor's attendance at the conference. You claim the submitted information is not 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.

You argue the submitted information is 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 contain purely personal exchanges that have no connection with the transaction of official business of the university. *See* 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). You state the submitted information consists of correspondence to and from a university professor regarding the professor's presentation at a conference and constitutes personal use of his university e-mail account under the university's electronic communications policy. You explain the professor is not attending the conference as a representative of the university and it is outside the professor's scope of employment with the university. Additionally, you explain the university "in no way facilitated or advocated" the professor's involvement at the conference, and "no [u]niversity funds were expended to plan, pay for, or advertise for [the professor's] attendance at the conference[.]" 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 university. *See* Gov't Code § 552.021. Thus, we conclude the submitted information is not subject to the Act and need not be released in response to this request. As our ruling is dispositive, we need 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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

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Ref: ID# 474871

Enc. Submitted documents

c: Requestor
(w/o enclosures)