



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 20, 2012

Ms. Camila W. Kunau  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283

OR2012-20590

Dear Ms. Kunau:

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# 474855 (COSA File No. W010705).

The City of San Antonio (the "city") received a request for specified contact information maintained by certain city employees. You inform us the city will provide some of the requested information to the requestor upon payment but claim the submitted responsive information is not subject to the Act. We have considered your arguments and reviewed the submitted representative sample of information.<sup>1</sup>

Initially, you inform us some of the submitted information is not responsive to the request for information because the requestor excluded it from his request. This ruling does not address the public availability of any information that is not responsive to the request, and the city is not required to release this information in response to this request. *See generally Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed).

Section 552.021 of the Government Code provides for public access to "public information." Gov't Code § 552.021. Section 552.002 of the Government Code 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

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<sup>1</sup>We assume the "representative sample" of records 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 those records contain substantially different types of information than that submitted to this office.

access to it.” *Id.* § 552.002(a). 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); *see* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988).

You inform us the submitted information contains responsive contact information of individuals who have done or are doing business with the city that city employees added to their electronic contact lists on city computers for their personal use, not for a business-related purpose. You assert this information consists of “personal, private contact information of otherwise business-related contacts . . . not used for work purposes,” and that this information “is personal, not commercial, or kept for the purpose of conducting [c]ity business.” You also explain, “[m]any of the individuals listed in the contacts have had both a personal and professional relationship with city employees, outside the scope of city business,” and “[f]or convenience, the employees have added the information of a personal nature into their contacts, but do not use the personal contact information to conduct city business, nor would they provide the information to city staff to conduct city business.” Based on your representations and our review of the submitted information, we conclude the contact information you have marked does not constitute public information for the purposes of section 552.002. *See* Open Records Decision No. 635 at 4 (1995) (section 552.002 not applicable to personal information unrelated to official business and created or maintained by state employee involving *de minimis* use of state resources). Therefore, the contacts you have marked are not subject to the Act, and the city is not required to release this information 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,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/tch

**Ref: ID# 474855**

**Enc. Submitted documents**

**c: Requestor  
(w/o enclosures)**