



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 27, 2013

Mr. Ross Laughead
General Counsel
District Office of Legal Services
Alamo Community College District
201 West Sheridan, Building C-8
San Antonio, Texas 78204-1429

OR2013-11005

Dear Mr. Laughead:

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# 491503.

The Alamo Community College District (the "district") received a request for e-mails sent between a named employee and any e-mail address from the City Public Service Board of the City of San Antonio d/b/a CPS Energy ("CPS") during a specified time period. We understand you to assert the submitted information is not subject to the Act. Additionally, you state the release of this information may implicate the interests of the named employee and CPS. Accordingly, you state, and submit documentation showing, you notified the named employee and CPS of the request for information and of their right to submit argument to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from CPS. We have considered the submitted arguments and reviewed the submitted information. We have also received and considered comments from a representative of the requestor. *Id.*

Section 552.021 of the Government Code provides for public access to "public information," which is defined by section 552.002 of the Government Code 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." *See* Gov't

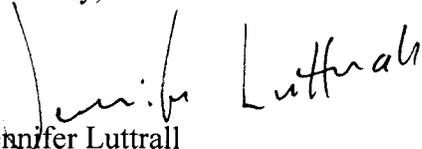
Code § 552.002(a), .021. Thus, information that is collected, assembled, or maintained by a third party may be subject to disclosure under the Act if a governmental body owns or has a right of access to the information. *See* Open Records Decision No. 462 (1987); *cf.* Open Records Decision No. 499 (1988).

You explain the named employee is a member of CPS's Board of Trustees (the "board") and currently serves as its chair, in his personal capacity. You state the submitted information is solely in the district's possession because the named employee and CPS utilized the district's e-mail system. We note the e-mails at issue consist of information relating to the named employee's participation as chair of the board. You state the submitted e-mails do not involve the official business of the district or relate to the district. Upon review of these representations and the information at issue, 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 conclude the submitted information is not subject to the Act and need not be released in response to the request.¹

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/som

¹As we are able to make this determination, we need not address CPS's arguments against disclosure.

Ref: ID# 491503

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Kipling D. Giles
Senior Counsel
Legal Services Divison
CPS Energy
P.O. Box 1771
San Antonio, Texas 78296
(w/o enclosures)

Dr. Homer Guevara
Economics Faculty
Business and Government Department
Northwest Vista College
3535 North Ellison Drive
San Antonio, Texas 78251
(w/o enclosures)