



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 29, 2013

Ms. Michele Freeland
Legal Assistant
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2013-15111

Dear Ms. Freeland:

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# 498481 (PIR# 13-2392).

The Texas Department of Public Safety (the "department") received a request for copies of personal email sent or received by a named employee in the possession of the department and copies of all personal correspondence held on any department computer or word processor used by the named employee. You claim the submitted information is not subject to the Act. We have considered your argument and reviewed the submitted information.

Initially, we note the submitted information contains non-personal emails and emails received or sent after the request for information was received. We note this information is not responsive to the instant request. This ruling does not address the public availability of nonresponsive information, and the department is not required to release nonresponsive information in response to this request.

The department argues the submitted information is not subject to the Act. The Act is applicable to "public information." *See* Gov't Code § 552.021. Section 552.002 of the Act provides, "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

responsive information is purely personal in nature and has no connection with the transaction of official business of the department. *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). Upon review of the responsive information, we agree this 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 department. *See* Gov’t Code § 552.021; *see also* ORD 635. Therefore, the responsive information is 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.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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/eb

Ref: ID# 498481

Enc. Submitted documents

c: Requestor
(w/o enclosures)