



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 22, 2014

Ms. Melody G. Chappell
Counsel for Beaumont Independent School District
Wells, Peyton, Greenberg & Hunt, L.L.P.
P.O. Box 3708
Beaumont, Texas 77704-3708

OR2014-08832

Dear Ms. Chappell:

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# 523638.

The Beaumont Independent School District (the "district"), which you represent, received a request for information pertaining to the amounts paid to a named individual in relation to specified administrative activities. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the instant request because it does not pertain to the amounts that were paid to the named individual in relation to the administrative activities specified by the requestor. This ruling does not address the public availability of any information that is not responsive to the request, and the district is not required to release such information in response to this request.

Next, we note the responsive information is subject to section 552.022 of the Government Code, which provides, in pertinent part, as follows:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body[.]

Gov't Code § 552.022(a)(3). The responsive information consists of information relating to the receipt or expenditure of public funds by the district and must be released unless it is confidential under the Act or other law. Although you seek to withhold this information under section 552.108 of the Government Code, this section is discretionary and does not make information confidential under the Act. *See* Open Records Decision No. 177 at 3 (1977) (governmental body may waive statutory predecessor to section 552.108); *see also* Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). Therefore, the district may not withhold the responsive information, which is subject to section 552.022(a)(3), under section 552.108 of the Government Code. As you raise no further exceptions against disclosure, the district must release the responsive information.

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,



Miriam A. Khalifa
Assistant Attorney General
Open Records Division

MAK/akg

Ref: ID# 523638

Enc. Submitted documents

c: Requestor
(w/o enclosures)