



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 5, 2014

Ms. Annette S. Garcia
Communications Officer
Region One Education Service Center
1900 West Schunior Street
Edinburg, Texas 78541

OR2014-13560

Dear Ms. Garcia:

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# 531631.

The Region One Education Service Center (the "center") received a request for specified information pertaining to a climate survey conducted at a named elementary school.¹ The center states it has released some of the requested information. The center claims it is not required to release the submitted information pursuant to the request for information because the information belongs to the Weslaco Independent School District (the "district"), which has the responsibility to withhold or release it. We have considered your arguments and reviewed the submitted information.

The Act is applicable only to "public information." *See* Gov't Code §§ 552.002, .021. Section 552.002 of the Government Code provides in relevant part as follows:

¹The center sought and received clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

(a) In this chapter, "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body;

(2) for a governmental body and the governmental body:

(A) owns the information;

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

(a-1) Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

Id. § 552.002(a), (a-1). 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). The Act also encompasses information that a governmental body does not physically possess, if the information is collected, assembled, or maintained for the governmental body, and the governmental body owns the information, has a right of access to it, or spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining it. Gov't Code § 552.002(a)(2); *see* Open Records Decision No. 462 at 4 (1987).

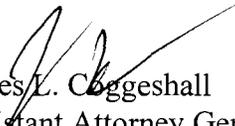
You explain the center conducted an environmental survey of the named school at the request of the district and in accordance with the center's statutory purpose to provide services to area school districts. *See* Educ. Code § 8.001 (providing for establishment and operation of regional education service centers). You inform us the submitted information consists of answers and comments that were submitted anonymously by district personnel as part of the survey, as well as the tabulation of those answers. You state the district owns the information and "retains ultimate responsibility for disclosing or withholding this

information in response to [the requestor's] request under the [Act], even though [the center] has physical custody of it." *See* Open Records Decision No. 576 (1990). Thus, you assert the center is not required to release the submitted information in response to the request. However, as noted above, you inform us the submitted information is part of a survey that the center itself conducted and is in the possession of the center. Accordingly, based on these representations, we determine the submitted information was collected, assembled, or maintained in connection with the transaction of the center's official business. Therefore, we conclude the information at issue is public information as defined by section 552.002 of the Government Code. Gov't Code § 552.002(a). Thus, the submitted information is subject to the Act and the center must release it, unless an exception to disclosure under the Act is shown to be applicable. As you raise no exceptions to disclosure, the center must release the submitted 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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/eb

Ref: ID# 531631

Enc. Submitted documents

c: Requestor
(w/o enclosures)