



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 6, 2014

Ms. Sherri Russell  
City Attorney  
Office of the City Attorney  
City of Lake Jackson  
5B Oak Drive  
Lake Jackson, Texas 77566-5289

OR2014-13677

Dear Ms. Russell:

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# 531789.

The City of Lake Jackson (the "city") received a request for emails sent during a specified time period pertaining to four named city employees.<sup>1</sup> You state the emails sent from the named employees that pertain to the official business of the city have been released to the requestor. You claim the submitted information is not subject to the Act. We have considered your arguments and reviewed the submitted information.

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<sup>1</sup>We note the city received clarification of the information requested. See Gov't Code § 552.222 (providing 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 a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

You contend the submitted information is not subject to the Act. The Act is applicable only to "public information." See Gov't Code § 552.021. Section 552.002(a) defines "public information" as

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.

*Id.* § 552.002. Thus, virtually all the information in a governmental body's physical possession constitutes public information and is subject to the Act. *Id.*; see Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). You state the submitted information consists entirely of personal emails. You also indicate the submitted information does not pertain to official city business. Based on your representations and our review of the submitted information, we find most of the submitted information does not constitute public information for purposes of section 552.002 of the Government Code. 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, this information is not subject to the Act, and the city need not release it in response to this request. However, we conclude the remaining portions of the emails, which we have marked, were written, produced, collected, assembled, or maintained in connection with the transaction of official business by employees of the city in their official capacities. Thus, those portions of the emails are subject to the Act. Because you have raised no exceptions for this information, it must be released.

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](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,



Lauren Dahlstein  
Assistant Attorney General  
Open Records Division

LMD/som

Ref: ID# 531789

Enc. Submitted documents

c: Requestor  
(w/o enclosures)