



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 13, 2017

Ms. Shameka Lynch
Interim Executive Director
Galveston County Community Action Council, Inc.
P.O. Box 3206
Galveston, Texas 77552

OR2017-03191

Dear Ms. Lynch:

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# 645642.

The Galveston County Community Action Council, Inc. (the "council") received a request for information pertaining to specified meetings of the council's board of directors. You state you will release some information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information other statutes make confidential. Section 551.104 of the Government Code provides, in part, "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)." *Id.* § 551.104(c). Thus, such information cannot be released to a member of the public in response to an open records request. *See* Attorney

¹Although you do not raise section 552.101 of the Government Code in your brief, we understand you to assert this exception based on your arguments.

General Opinion JM-995 at 5-6 (1988) (public disclosure of certified agenda of closed meeting may be accomplished only under procedures provided in Open Meetings Act). Section 551.146 of the Open Meetings Act makes it a criminal offense to disclose a certified agenda or tape recording of a lawfully closed meeting to a member of the public. *See* Gov't Code § 551.146(a)-(b); *see also* Open Records Decision No. 495 at 4 (1998). Likewise, this office has determined minutes of a closed meeting are confidential. *See* Open Records Decision No. 60 (1974) (closed meeting minutes are confidential under predecessor to section 551.104); *see also* Open Records Decision Nos. 563 (1990) (minutes of properly held executive session are confidential under Open Meetings Act); 495 (information protected under predecessor to section 551.104 cannot be released to member of public in response to open records request). You state the submitted information consists of the agenda, written minutes, and audio recording of a closed meeting. Based on your representations, and our review of the information, we agree the council must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 551.104 of the Government Code.²

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,



Erin Groff
Assistant Attorney General
Open Records Division

EMG/som

²We note that this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies, which authorizes the withholding of certain categories of information, including a certified agenda and tape of a closed meeting under section 552.101 in conjunction with section 551.104 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 645642

Enc. Submitted documents

c: Requestor
(w/o enclosures)