



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 13, 2017

Ms. Tam Hawkins  
President & CEO  
Greater Austin Black Chamber of Commerce  
912 East 11th Street, Suite A  
Austin, Texas 78702

OR2017-05232

Dear Ms. Hawkins:

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# 649912.

The Greater Austin Black Chamber of Commerce (the "chamber") received a request for expenditures, scholarships, and revenue from or to specified parties during specified time periods.<sup>1</sup> You claim the chamber is not a governmental body subject to the Act. We have considered your submitted argument.

You assert the chamber is not a governmental body pursuant to section 552.003(1)(A)(xii) of the Government Code, and, therefore, is not subject to the Act. Section 552.003(1)(A)(xii) defines "governmental body" as "the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]" Gov't Code § 552.003(1)(A)(xii). "Public funds" means "funds of the state or of a governmental subdivision of the state." *Id.* § 552.003(5). The Texas Supreme Court has defined "'supported in whole or part by public funds' to include only those private entities or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds." *Greater Houston P'ship v. Paxton*, 468 S.W.3d 51, 63 (Tex. 2015). Thus, section 552.003(1)(A)(xii) encompasses only those private entities that are dependent on

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<sup>1</sup>As you have not submitted a copy of the request for information, we take our description from your brief.

public funds to operate as a going concern, *see id.* at 61, and only those entities acting as the functional equivalent of the government, *see id.* at 62.

You state the chamber is a private nonprofit entity. You explain the chamber “promotes economic growth and stimulates a positive business climate in the Central Texas region around Austin, Texas.” You state the chamber “provides a diverse range of services, including consulting, networking, and professional development events for its business members.” We understand the chamber receives some funding from governmental bodies, but you state the chamber’s budget includes membership dues and other private funding sources. Based upon your representations, we determine the chamber is not dependent on governmental funding as a going concern and is not sustained by public funds for purposes of the Act. Consequently, the chamber does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code and is not subject to the Act. Accordingly, the chamber need not respond to the request for 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](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,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/sdk

Ref: ID# 649912

c: Requestor