



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 24, 2017

Mr. Rodrigo J. Figueroa  
Counsel for Good Samaritan Community Services  
Dykema Cox Smith  
112 East Pecan Street, Suite 1800  
San Antonio, Texas 78205

OR2017-08663

Dear Mr. Figueroa:

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# 654239.

The Good Samaritan Center of San Antonio, Texas d/b/a Good Samaritan Community Services ("Good Samaritan"), which you represent, received a request for all personnel records for the requestor and another named individual. You claim Good Samaritan is not a governmental body subject to the Act. In the alternative, you claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.102 of the Government Code. We have considered your arguments and reviewed the submitted information.

You assert Good Samaritan 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

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 Good Samaritan is a private nonprofit corporation. You state, and provide documentation demonstrating, “the majority of Good Samaritan’s funding comes from private sources[.]” You further state “[a]lthough Good Samaritan generates revenue from governmental agencies . . . Good Samaritan could continue to operate as a going company absent the revenues it receives from such agencies.” Based upon your representations, we determine Good Samaritan is not dependent on governmental funding as a going concern and is not sustained by public funds for purposes of the Act. Consequently, Good Samaritan 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, Good Samaritan need not respond to the request for information.<sup>1</sup>

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/nmd

Ref: ID# 654239

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As we are able to make this determination, we need not consider your remaining arguments against disclosure.