



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 30, 2019

Mr. Francis Garcia  
Office of the Treasurer  
Presidio County  
P.O. 1055  
Marfa, Texas 79843

OR2019-02721

Dear Mr. 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# 749301.

The Treasurer of Presidio County (the "county treasurer's office") received a request for the county treasurer's phone bills and text messages.<sup>1</sup> The county treasurer's office claims the requested information is not subject to the Act. We have considered the submitted arguments and reviewed the submitted information.

The Act is applicable only to "public information." *See* Gov't Code §§ 552.002, .021. Section 552.002(a) reads as follows:

(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:

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<sup>1</sup>As the county treasurer's office has not submitted a copy of the request for information, we take our description from its brief.

(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(a). Section 552.002(a-1) also provides the following:

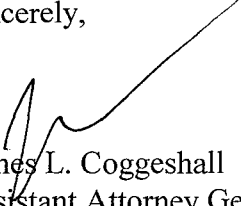
Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or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

*Id.* § 552.002(a-1). 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). The county treasurer's office asserts the submitted documents are not subject to the Act because they are purely personal in nature and not associated with the county treasurer's office. Upon review, we conclude some of the submitted information was written, produced, assembled, or maintained in connection with the transaction of official business by employees of the county treasurer's office or Presidio County in their official capacities. Thus, this information is subject to the Act. The county treasurer's office does not assert this information is excepted from release under the Act. Therefore, the county treasurer's office must release this information, which we have marked. Nevertheless, we find the remaining 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, the remaining information is not subject to the Act and the county is not required to release it in response to the request.

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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/mo

Ref: ID# 749301

Enc. Submitted documents

c: Requestor  
(w/o enclosures)