



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 2, 2019

Mr. John W. Slates  
Counsel for the Dallas Children's Advocacy Center  
Slates Harwell  
1700 Pacific, Suite 3800  
Dallas, Texas 75201

OR2019-08852

Dear Mr. Slates:

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# 757809.

The Dallas Children's Advocacy Center ("DCAC") received a request for three categories of information pertaining to a named individual. You claim the DCAC is not a government body, and thus, is not subject to the Act. Alternatively, you claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

You assert DCAC is not a governmental body subject to the Act. The Act defines "governmental body," in pertinent part, 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).

---

<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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.

DCAC states it is not supported by public funds because, while it does receive some public funding, “it could perform the same or similar services without public funds.” Thus, DCAC states it does not depend on public funds to operate. Based on our review of DCAC’s representations, we find DCAC is not sustained by public funds for purposes of the Act. *See id.* at 63. Therefore, we conclude DCAC is not sustained by public funds and does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code and is thus not subject to the Act. Accordingly, DCAC need not respond to the present request for information.<sup>2</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,



Ashley Crutchfield  
Assistant Attorney General  
Open Records Division

AC/mo

---

<sup>2</sup>As we are able to make this determination, we need not address the remaining arguments against disclosure of the submitted information.

Ref: ID# 757809

Enc. Submitted documents

c: Requestor  
(w/o enclosures)