



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 4, 2019

Mr. Clark T. Askins  
Counsel for the City of La Porte  
Askins & Askins, P.C.  
P.O. Box 1218  
La Porte, Texas 77572-1218

OR2019-14749

Dear Mr. Askins:

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# 768930 (PIR 2019-121).

The City of La Porte (the "city"), which you represent, received two requests from different requestors for copies of forms signed for a specified petition. You argue the submitted information is not subject to the Act. We have considered your argument and reviewed the submitted information.

You argue the submitted information is not subject to the Act. The Act applies to "public information," which is defined in section 552.002 of the Government Code as:

(a) . . . 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; or

(2) for a governmental body and the governmental body:

(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.

Gov't Code § 552.002(a). Thus, virtually all of the information in a governmental body's physical possession constitutes public information and thus is subject to the Act. *Id.* § 552.002(a)(1); *see* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). The Act also encompasses information that a governmental body does not physically possess. Information that is written, produced, collected, assembled, or maintained by a third party, including an individual officer or employee of a governmental body in his or her official capacity, may be subject to disclosure under the Act if a governmental body owns, has a right of access, or spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information. Gov't Code § 552.002(a); *see* Open Records Decision No. 462 at 4 (1987). Information is "in connection with the transaction of official business" if the information is created by, transmitted to, received by, or maintained by a person or entity performing official business or a government function on behalf of a governmental body and the information pertains to official business of the governmental body. *See* Gov't Code § 552.002(a-1). Moreover, section 552.001 of the Act provides that it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. *See id.* § 552.001(a).

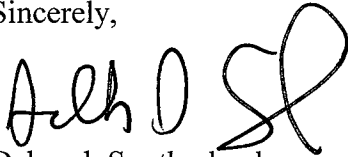
You state that although the information at issue was created by a member of the city council, the person at issue "did not produce, collect, or assemble the signed petitions" in his capacity as a city council member, but rather in his standing as a resident of a local subdivision, "for the purpose of furthering his own personal interest[.]" You also inform us the information at issue does not reference any city official or call upon the city to take any action. In addition, you state the information at issue was not filed or shared with the city after it was collected. Upon review of the submitted arguments and the submitted information, we agree the information at issue is not "public information" under the Act. *See id.* § 552.002; Open Records Decision No. 635 (1995) (statutory predecessor to Act 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 city is not required to release the submitted information under the Act.

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,

A handwritten signature in black ink, appearing to read "Deborah Southerland". The signature is fluid and cursive, with the first name "Deborah" and the last name "Southerland" clearly distinguishable.

Deborah Southerland  
Attorney  
Open Records Division

DS/gw

Ref: ID# 768930

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)