



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 18, 2019

Ms. Mariana G. Evans
Counsel for the Fort Bend Independent School District
Rogers, Morris & Grover
5718 Westheimer Road, Suite 1200
Houston, Texas 77057

OR2019-19592

Dear Ms. Evans:

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# 776141.

The Fort Bend Independent School District (the "district"), which you represent, received a request for (1) any e-mails, including attachments, sent or received between any member of the district's Board of Trustees or the district's administrative staff and a named individual or four named entities during a specified time period; (2) any documents produced or submitted to the district by a named individual or four named entities during a specified time period; and (3) any document detailing any payments made to a named individual or four named entities. You claim the submitted information is excepted from disclosure under sections 552.111 and 552.116 of the Government Code. We have considered the claimed exceptions and reviewed the submitted representative sample of information. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

Initially, we note you have not submitted information responsive to category 3 of the request. Although you state you have submitted a representative sample of the requested information, we find the submitted information is not representative of all the types of information to which the requestor seeks access. Please be advised, this open records letter ruling applies only to the types of information you have submitted for our review. This ruling does not

authorize the district to withhold any information that is substantially different from the type of information you submitted to this office. *See id.* § 552.302 (where request for attorney general decision does not comply with the requirements of Gov't Code § 552.301, information at issue is presumed to be public). Therefore, to the extent any additional information responsive to the request existed on the date the district received the request for information, we assume the district has released it to the requestor. If the district has not released any such information, it must do so at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Section 552.116 of the Government Code provides as follows:

(a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, a municipality, a school district, a hospital district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public school employee, is excepted from [required public disclosure]. If information in an audit working paper is also maintained in another record, that other record is not excepted from [public disclosure] by this section.

(b) In this section:

(1) "Audit" means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, the bylaws adopted by or other action of the governing board of a hospital district, a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

(2) "Audit working paper" includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including:

(A) intra-agency and interagency communications; and

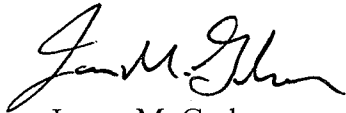
(B) drafts of the audit report or portions of those drafts.

Gov't Code § 552.116. You state, and provide documentation demonstrating, the submitted information consists of audit working papers pertaining to an audit authorized by the district's Board of Trustees. You also state the audit at issue was authorized by district board policy. *See id.* § 552.116(b)(1). Based upon these representations and our review, we agree the submitted information constitutes audit working papers. Accordingly, the district may withhold the submitted information under section 552.116 of the Government Code.¹

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, 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 M. Graham
Assistant Attorney General
Open Records Division

JMG/jxd

Ref: ID# 776141

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address the remaining argument against disclosure of this information.