



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 24, 2019

Mr. C. Cory Rush
Counsel for Coastal Bend College
Karczewski, Bradshaw, Spalding, Nichols, Lamp & Langlois
3700 Buffalo Speedway, Suite 560
Houston, Texas 77098

OR2019-20255

Dear Mr. Rush:

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# 776882.

Coastal Bend College (the "college"), which you represent, received a request for audio recordings of the public comments section of regular board meetings held during a particular time period. You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Initially, we note some portions of the submitted audio recordings are not responsive to the present request because they are not recordings of the public comment sections of the meetings requested by the requestor. This ruling does not address the public availability of the non-responsive information, and the city need not release it in response to this request.²

¹We assume that 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.

²As we are able to make this determination, we need not address your argument against disclosure of this information.

We note the responsive information consists of audio recordings of public meetings of the college's board of trustees. Minutes and agendas of a governmental body's public meetings are specifically made public under the Open Meetings Act, chapter 551 of the Government Code. *See* Gov't Code §§ 551.022 (minutes and tape recordings of open meeting are public records and shall be available for public inspection and copying on request to governmental body's chief administrative officer or officer's designee). As a general rule, the exceptions to disclosure found in the Act, such as section 552.103, do not apply to information other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Therefore, the district must release the responsive information pursuant to section 551.022 of the Government Code.

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,



Erin Groff
Assistant Attorney General
Open Records Division

EMG/jxd

Ref: ID# 776882

Enc. Submitted documents

c: Requestor
(w/o enclosures)