



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 13, 2022

Ms. Kacey Villafuerte
Counsel for the Uvalde Consolidated Independent School District
Walsh, Gallegos, Trevino, Kyle & Robinson, P.C.
6770 West Expressway 83, Suite 301
Harlingen, Texas 78552

OR2022-27983

Dear Ms. Villafuerte:

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# 969321 (PIA 0066).

The Uvalde Consolidated School District (the "district"), which you represent, received a request for line items in the district's police department budget during a certain time period. You claim the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure under this chapter unless made confidential under this chapter or other law:

...

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body; [and]

...

(5) all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, on completion of the estimate[.]

Gov't Code § 552.022(a)(3), (5). The submitted information includes expenditures that are subject to section 552.022(a)(3) of the Government Code. The remaining information constitutes information used to estimate the need for or expenditure of district funds and is subject to section 552.022(a)(5) of the Government Code. The district must release the information subject to subsections 552.022(a)(3) and 552.022(a)(5) unless the information is made confidential under the Act or other law. *Id.* You raise sections 552.103 and 552.108 as exceptions to disclosure of the submitted information. However, sections 552.103 and 552.108 are discretionary exceptions that do not make information confidential under the Act. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive Gov't Code § 552.103); Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 177 at 3 (1977) (statutory predecessor to Gov't Code § 552.108 subject to waiver). Accordingly, the information subject to section 552.022 may not be withheld under sections 552.103 or 552.108 of the Government Code. The district must release the submitted information.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Kelly McWethy
Assistant Attorney General
Open Records Division

KM/mo

Ref: ID# 969321

Enc. Submitted documents

c: Requestor
(w/o enclosures)