

Temporary Custodian Law

Speaker:

Leticia D. McGowan

Assistant General Counsel

Dallas ISD



Early rules



Statistics detour



Case law



2013 legislative changes



SB 944 requirements

In the Beginning...

Presumption was that the governmental body (GB) was solely responsible for maintaining government records.



Early Attorney General (AG) decisions focused on the GB's role in maintaining the requested records.

Open Records
Decision No.
77 (1975)

- Faculty member requested notes created by members of university's grievance committee
- University argued notes:
 - Not shared with others
 - Not a requirement of the committee or university
 - Not maintained by the university and
 - Served solely as a memory reminder for the creator of the notes

Open Records Decision No. 77 (1975)

Ruling –

- Notes outside the scope of TPIA
- Not “information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business”

Additional AG Opinions

Open Records Decision No. 116 (1975)

- portions of desk calendar kept by governor’s aide comprising notes of private activities and aide’s notes made solely for his own informational purposes **not** public information

Open Records Decision No. 145 (1976)

- handwritten notes on university president’s calendar not public information

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Temporary Custodian Law

Also available as part of the eCourse

[Case Law and Legislative Developments in School Law: Temporary Custodian Law, "Do Not Hire" Registry, Governmental Immunity](#)

First appeared as part of the conference materials for the
35th Annual School Law Conference session
"Temporary Custodian Law"