



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN G. BILL,
ATTORNEY GENERAL**

September 29, 1975

The Honorable D. P. O'Quinn
Superintendent
Alvin Independent School District
Alvin, Texas 77511

Open Records Decision No. 111
Re: Does the Open Records Act
prevent disclosure to the EEOC
of employment applications?

Dear Mr. O'Quinn:

You request our opinion as to whether section 3(a)(2) of the Open Records Act, article 6252-17a, V. T. C. S., prevents you from disclosing to the Equal Employment Opportunity Commission applications for employment.

Section 3(a)(2) of the Act excepts from required public disclosure "information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. . . ."

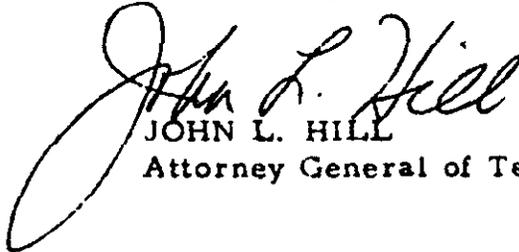
School districts are subject to the provisions of Title VII of the Civil Rights Act. 42 U.S.C.A. § 2000e (a); Cleveland Board of Education v. La Fleur, 414 U.S. 632, 638 n. 8 (1974); Hutchison v. Lake Oswego School District No. 7, 374 F. Supp. 1056 (D. Ore. 1974); Attorney General Opinion H-251 (1974). School districts are required to maintain certain personnel records, including applications for employment, which are relevant to determinations of whether unlawful employment practices have been committed. 42 U.S.C.A. § 2000e-8(c); 29 C.F.R. § 1602.40. Such records "shall be made available if requested by an officer, agent, or employee of the Commission under sec. 710 of Title VII, as amended." 29 C.F.R. § 1602.39. The Commission has administrative subpoena powers to obtain evidence relevant to charges of unlawful employment practices. 42 U.S.C.A. § 2000e-8, -9. New Orleans Public Service, Inc. v. Brown, 507 F. 2d 160 (5th Cir. 1975). This power extends to information in personnel files and records even though it is personal, private, and confidential. EEOC v. University of New Mexico, Albuquerque, 504 F. 2d 1296, 1303 (10th Cir. 1974).

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The regulations expressly provide that the requirements concerning record keeping and disclosure of records concerning employment practices supersede any provision of State or local law which may conflict with them. 29 C.F.R. §1602.46.

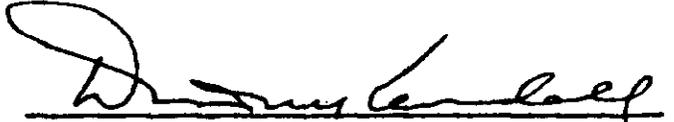
The provisions of the Open Records Act have no bearing upon the power of the EEOC to obtain personnel records pursuant to the federal statutes and regulations discussed above. See Attorney General Opinion H-251 (1974) (Open Records Act has no bearing on depositions or subpoenas under Rules of Civil Procedure). See generally, Open Records Decision No. 59 (1974).

Very truly yours,

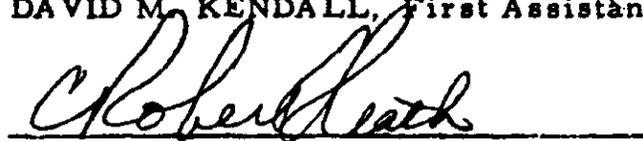


JOHN L. HILL
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APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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