



# The Attorney General of Texas

August 28, 1979

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Honorable W. O. Shultz, II  
University of Texas System  
Office of General Counsel  
201 West 7th Street  
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Open Records Decision No. 224

Re: Whether handwritten student evaluations of faculty member are public under Open Records Act.

Dear Mr. Shultz:

Pursuant to section 7 of article 6252-17a, V.T.C.S., the Texas Open Records Act, you request our decision as to whether handwritten student evaluations of a particular faculty member are excepted from required public disclosure under section 3(a)(2) of the Act. The University of Texas at El Paso has received a request from a reporter for The Prospector, the student newspaper, for "any and all student evaluations relating to the performance of" a named faculty member. The department in which the faculty member serves regularly obtains student evaluations of all faculty members. The evaluations consist of a questionnaire and a form answer sheet designed for use in a computer which all students are expected to complete, and in addition, the students may make individualized written comments if they wish to do so. The University responded to the request by providing a copy of the computer printout of the statistical compilation of the responses to the questionnaire. The University consulted with the faculty member involved as to whether he had any objection to the release of the written comments submitted by students in his classes. The faculty member asserted his right of privacy in the information. The University then declined to release the written comments on the grounds that they were excepted under section 3(a)(2) which excepts:

- (2) information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy . . . .

We agree that the individualized handwritten student comments evaluating the faculty member are excepted from required public disclosure under section 3(a)(2). This exception was designed to protect against disclosure of intimate details of a highly personal nature. Open Records Decision No. 168 (1977). This office has held on numerous occasions that evaluations of identifiable personnel were not required to be made public.

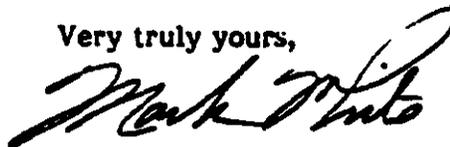
Open Records Decision Nos. 191 (1978); 174, 168, 163, 159 (1977); 129, 119 (1976); 117, 115, 110, 106, 103, 102, 93, 90, 86, 82, 81, 71, 68 (1975); 60, 55, 20 (1974). While statistical compilations of anonymous student evaluations of teachers have been held to be public, Open Records Decision Nos. 206 (1978), 167 (1977), 34 (1974), each of these decisions carefully described the information involved so as to make it clear that it did not include individualized, student-initiated comments. We believe that this type of highly personal, subjective evaluation by one individual of another is the sort of information in which there is a substantial privacy interest, and we also believe that the legitimate public interest diminishes in proportion to the degree the information reflects one individual's personal subjective opinion of another.

A similar distinction was drawn in Open Records Decision No. 209 (1978). There, a school district employee opinion survey was conducted and included both responses to a questionnaire and individualized written comments about working conditions, supervision, and any other opinions the employer wished to express. We held that the compilation of the responses to the objective portion of the survey were public, but that the subjective personalized comments were not.

Another factor weighing toward excepting this type of information from public disclosure is that release of the student's handwritten comments, even though they are not signed, would make the identity of the student easily traceable through the handwriting, style of expression, or the particular incidents related in the comments. Such identifiable student comments would be excepted from required public disclosure under section 3(a)(14), which excepts student records. Open Records Decision No. 214 (1978). See Open Records Decision Nos. 206 (1978); 165 (1977).

It is our decision that handwritten student evaluations of a teacher are excepted from required public disclosure under section 3(a)(2) of the Texas Open Records Act.

Very truly yours,



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