



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

February 13, 1991

Mr. Wayne Moore, Jr., Ph.D  
Vice President  
Administrative Affairs  
Texas Southmost College  
80 Fort Brown  
Brownsville, Texas 78520-4993

OR91-089

Dear Mr. Moore:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11504.

Texas Southmost College received an open records request for a letter of reprimand of one of its employees maintained in the employee's personnel file. You raise section 3(a)(2) of the Open Records Act as an exception to the required public disclosure of the requested information.

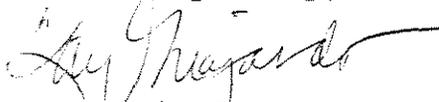
Section 3(a)(2) protects "information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Personnel file information is confidential under this section only if its release would cause an invasion of privacy under the test articulated for section 3(a)(1) of the Open Records Act. Hubert v. Harte-Hanks Texas Newspapers, 652 S.W.2d 546, 550 (Tex. App. - Austin 1983, writ ref'd n. r. e.). Under the test for invasion of privacy under section 3(a)(1), information is excepted from disclosure if it contains highly intimate or embarrassing facts about a person's private affairs, the release of which would be highly objectionable to a person of ordinary sensibilities, and it is of no legitimate interest to the public. Industrial Found. of the South v. Texas Indus. Accident Bd., 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U. S. 931 (1977).

We find that the copy of the reprimand must be released. We do not think the two allegations contained in the reprimand, one of which was found to be unsubstantiated, reveals the kind of behavior that must occur to invoke the protection of common law privacy. See Open Records Decision No. 579 (1990). Additionally, the reprimand is about employee relations and the working environment of public

employees. The public has a legitimate interest in knowing how the business of a governmental body is conducted. Id.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-089.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/lcd

Ref.: ID# ID# 11504

Enclosure: Open Records Decision No. 579 (1990)