



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1998

Mr. Jimmy W. Williams
Superintendent
Dallas County Schools
612 North Zang Blvd.
Dallas, Texas 75208

OR98-1547

Dear Mr. Williams:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116296.

The Dallas County Schools (the "county") received a request for the work level, seniority and salary information of forty employees. Although you raise no exception to disclosure on behalf of the county, you have submitted letters from various employees who have asserted a privacy interest in the requested information. *See Gov't Code § 552.304.* We have considered their arguments and have reviewed the representative sample documents you have submitted.¹

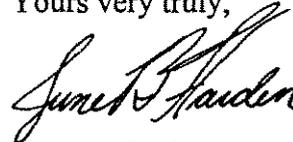
Section 552.101 encompasses the doctrine of common-law privacy and excepts from disclosure private facts about an individual. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Under common-law privacy, information may be withheld from the public when 1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and 2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 (1992) at 1. Upon review of the requested information, we conclude that the information is not highly intimate and embarrassing. Common-law privacy does not protect a public employee's title or salary; such information does not pertain to the

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach and, therefore, does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

employee's private affairs, and the public has a legitimate interest in it. *See Industrial Found.*, 540 S.W.2d at 685; *see also* Open Records Decision No. 342 (1982) at 3 (certain information about public employees, including position, experience, tenure, salary, and educational level, has long been held disclosable). Because the requested information may not be withheld under section 552.101 and no other exceptions to disclosure have been raised, the information must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 116296

Enclosures: Submitted documents

cc: Ms. Claire Burns
425 Lowell Lane
Richardson, Texas 75080
(w/o enclosures)