



July 6, 1999

Mr. Randel B. Gibbs
Law Offices of Robert E. Luna, P.C.
4411 North Central Expressway
Dallas, Texas 75205

OR99-1867

Dear Mr. Gibbs:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125594.

The DeSoto Independent School District (the "district"), which you represent, received a written request for certain statistical information pertaining to appraisals of the district's teachers. The requestor states that if the district has not made the necessary "tabulations and computations" that she seeks, she then requests "the data in raw form." You explain that the requestor

does not ask for the identities of each teacher who is the subject of each document. She asks for data which can only be obtained by cumulating these documents to measure groups of teachers. The district has no objection to producing data which cumulates individual evaluations so that no individual evaluation can be separately discerned.

It is not apparent to this office, however, whether the district possesses the statistical information in a "cumulated" form. It is well-established that a governmental body is not required to prepare new information in response to a request for information. Open Records Decision Nos. 452 (1986), 342 (1982). On the other hand, some compilation and manipulation of information stored in an electronic medium is required under the Texas Public Information Act. *See* Gov't Code § 552.231. Because you have submitted to this office for review only the "raw data" that would provide the basis for the requested statistical information, we will limit our discussion to the records before us.

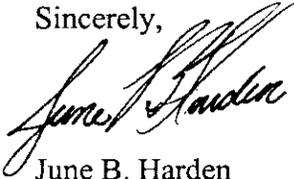
You seek to withhold the records at issue pursuant to section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. You have submitted

representative samples of the information at issue.¹ Section 552.101 requires withholding, *inter alia*, information made confidential by statute. Section 21.355 of the Education Code provides that “[a] document evaluating the performance of a teacher or administrator is confidential.”

You contend that, although the requestor specifies that “this is not a request for the appraisal score of any particular teacher,” the requested information is nevertheless, protected by section 21.355. You argue that, under the “plain language” of the statute, the statute’s coverage is not limited to personally identifiable information. We agree. This office has interpreted this section to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. Open Records Decision No. 643 (1996). Because the documents at issue “evaluate” the district’s teachers, the district must withhold the evaluations under section 21.355 of the Education Code.

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/eaf

Ref.: ID# 125594

Encl. Submitted documents

cc: Ms. Shannon Brown
P.O. Box 972
Lancaster, Texas 75146
(w/o enclosures)

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 No. 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.