



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 26, 2004

Ms. Cheryl T. Mehl
Schwartz & Eichelbaum
4201 West Parmer Lane, Suite A-100
Austin, Texas 78727

OR2004-4320

Dear Ms. Mehl:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 204822.

The San Angelo Independent School District (the "district"), which you represent, received a request for the personnel records of a specific employee. You state that you will make most of the responsive information available to the requestor. You claim, however, that the highlighted portions of the submitted records are excepted from disclosure under sections 552.102, 552.117, and 552.130 of the Government Code. We have considered your claimed exceptions to disclosure and have reviewed the information at issue.

Initially, you claim that some of the responsive information is excepted from disclosure under section 552.117 of the Government Code. Section 552.117(a)(1) of the Government Code provides that information is excepted from disclosure if it relates to a current or former employee's home address, home telephone number, social security number, or reveals whether the employee has family members. Gov't Code § 552.117(a)(1); *see also* Open Records Decision No. 670 (2001) (extending Gov't Code § 552.117 protection to personal cellular phone number and personal pager number of employee who elects to withhold home phone number in accordance with Gov't Code § 552.024). The district is required to withhold this information if the current or former employee timely requested that this information be kept confidential under section 552.024. *See* Open Records Decision Nos. 622 (1994), 455 (1987); *see generally* Open Records Decision No. 530 (1989) (stating that whether particular piece of information is public must be determined at time request for it is made). You state, and provide documentation showing, that prior to the district's receipt of this written request, the employee at issue elected to withhold his personal information in accordance with section 552.024. Thus, we agree that the information you have marked must

be withheld under 552.117(a)(1). We have marked additional information that must be withheld from disclosure under section 552.117(a)(1).

You also contend that some of the highlighted information in tab 3 is excepted from disclosure under section 552.130. Section 552.130 provides in relevant part as follows:

(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]

(2) a motor vehicle title or registration issued by an agency of this state[.]

Gov't Code § 552.130. Thus, we agree that the Texas driver's license number that you have marked must be withheld under section 552.130. We have marked additional information that must be withheld from disclosure under section 552.130.

Finally, you contend that portions of the teacher's college transcripts are excepted from disclosure under section 552.102(b). Section 552.102(b) of the Government Code protects from public disclosure:

a transcript from an institution of higher education maintained in the personnel file of a professional public school employee, except that this section does not exempt from disclosure the degree obtained or the curriculum on a transcript in the personnel file of the employee.

Gov't Code § 552.102(b). Accordingly, we conclude that the district must release those portions of the transcripts that reveal the teacher's name, degree obtained, and courses taken. The remaining information contained in the transcripts must be withheld pursuant to section 552.102(b).

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.*

§ 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

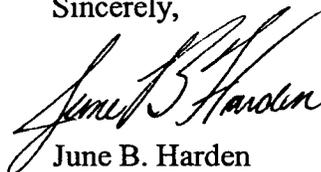
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/seg

Ref: ID# 204822

Enc: Submitted documents

c: Mr. Jim Cain
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(w/o enclosures)