



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

July 6, 2005

Mr. Marc A. Barenblat
Staff Attorney
State Board for Educator Certification
1701 North Congress Avenue, 5th Floor
Austin, Texas 78701

OR2005-05960

Dear Mr. Barenblat:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 226702.

The Texas State Board for Educator Certification (the "board") received a request for 1) "any and all documents that show or reflect public information, including but not limited to correspondence and emails and phone logs, between and among [the board] and the Eanes Independent School District (the "school district"), including but not limited to Nola Wellman, Superintendent for the last three years," 2) "all [board] complaints against [school district] employees for the past five years," 3) "any public information that is personally identifiable to [the requestor]", and 4) "all correspondence regarding the [school district] for the last three years. You state that some of the requested information will be made available to the requestor but claim that portions of the responsive information are excepted from disclosure under sections 552.026, 552.101, 552.102, 552.103, 552.107, 552.111, 552.114, 552.117, 552.136, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

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.

Initially, you note that the information submitted as Exhibit C was created after the board received the request for information. The Act does not require the board to release information that did not exist when it received this request or to create new information in response to the request. See *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983). Exhibit C is not responsive and need not be released.

You claim that Exhibits D, E, F, and portions of Exhibit M are excepted from public disclosure under section 552.111 of the Government Code. Section 552.111 excepts from required public disclosure “an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.” This section encompasses the work product privilege found in rule 192.5 of the Texas Rules of Civil Procedure. See *City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 360 (Tex. 2000); Open Records Decision No. 677 at 4-8 (2002). Rule 192.5 defines work product as

- (1) material prepared or mental impressions developed in anticipation of litigation or for trial by or for a party or a party’s representatives, including the party’s attorneys, consultants, sureties, indemnitors, insurers, employees, or agents; or
- (2) a communication made in anticipation of litigation or for trial between a party and the party’s representatives or among a party’s representatives, including the party’s attorneys, consultants, sureties, indemnitors, insurers, employees or agents.

TEX.R.CIV.P. 192.5. A governmental body that seeks to withhold information as work product under section 552.111 bears the burden of demonstrating that the information was created or developed for trial or in anticipation of litigation by or for a party or a party’s representative. See TEX. R. CIV. P. 192.5; Open Records Decision No. 677 at 6-8. In order for this office to conclude that the information was made or developed in anticipation of litigation, we must be satisfied that

- (a) a reasonable person would have concluded from the totality of the circumstances surrounding the investigation that there was a substantial chance that litigation would ensue; and (b) the party resisting discovery believed in good faith that there was a substantial chance that litigation would ensue and [created or obtained the information] for the purpose of preparing for such litigation.

Nat’l Tank Co. v. Brotherton, 851 S.W.2d 193, 207 (Tex. 1993). A “substantial chance” of litigation does not mean a statistical probability, but rather “that litigation is more than

merely an abstract possibility or unwarranted fear.” *Id.* at 204; Open Records Decision No. 677 at 7.

If a requestor seeks access to an entire litigation file, and a governmental body seeks to withhold the entire file and demonstrates that the file was created in anticipation of litigation, we will presume that the entire file is excepted from disclosure under the attorney work product aspect of section 552.111. *See* Open Records Decision No. 647 at 5 (1996) (citing *National Union Fire Insurance Co. v Valdez*, 863 S.W.2d 458, 461 (Tex. 1993)) (organization of attorney’s litigation file necessarily reflects attorney’s thought processes).

In this instance, the requestor seeks access to “all [board] complaints against [school district] employees for the past five years.” You inform us that the board enforces standards of conduct for certified educators in Texas public schools, including enforcement of an educator’s code of ethics, under chapter 21 of the Education Code. *See* Educ. Cod § 21.031(a), 21.041(b)(8). You further explain that the board litigates enforcement proceedings under the Administrative Procedure Act (the “APA”), chapter 2001 of the Government Code, and rules adopted by the board under subchapter B of chapter 21 of the Education Code. *See* Educ. Code § 21.047(b)(7); 19 T.A.C. § 249.46 *et seq.* You represent to this office that the present request for information encompasses the board’s entire litigation files for certain complaints, as well as additional information you seek to withhold as attorney work product. You explain that the information you seek to withhold was created by attorneys and other representatives of the board in anticipation of litigation. *Cf.* Open Records Decision No. 588 (1991) (contested case under APA constitutes litigation for purposes of statutory predecessor to Gov’t Code § 552.103). Based on your representation and our review of the submitted information, we conclude that the board may withhold Exhibits D, E, F, and the portions of Exhibit M that you have marked as attorney work product under section 552.111 of the Government Code. As we are able to make this determination, we do not address the other submitted argument against disclosure of Exhibits D, E, and F.

We next address your assertion that the information in Exhibit G is confidential pursuant to section 261.201 of the Family Code. Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision,” and encompasses information protected by other statutes. You indicate that Exhibit G “indicates the involvement of the Child Protective Services Division of the Texas Department of Family and Protective Services (the “department”) in relation to investigations of alleged child abuse.” Information relating to child abuse investigations is subject to Chapter 261 of the Family Code. Section 261.201(a) of the Family Code provides as follows:

- (a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for

purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). After reviewing the information, we agree that Exhibit G falls within the scope of section 261.201. We note that, under section 261.406 of the Family Code, the board is authorized to receive these types of records. *See* Fam. Code § 261.406(b) (providing that department shall send written report of its investigation to agency responsible for teacher certification and release of such information is governed by section 261.201). Furthermore, an entity that is authorized to receive confidential information from the department is required to maintain the confidentiality of such records and prevent disclosure to any unauthorized person. *See* Hum. Res. Code § 40.005(d). It does not appear that the requestor is an entity authorized to receive the submitted documents. *See generally* Fam. Code § 261.201(a) (providing that records subject to section 261.201 may be disclosed only for purposes consistent with Family Code and applicable federal or state law or under rules adopted by investigating agency). Accordingly, the board must withhold Exhibit G pursuant to section 552.101 as information that is confidential by law.

Section 552.101 also encompasses the Family Educational Rights and Privacy Act of 1974 (“FERPA”), which provides that no federal funds will be made available under any applicable program to an educational agency or institution that releases personally identifiable information, other than directory information, contained in a student’s education records to anyone but certain enumerated federal, state, and local officials and institutions, unless otherwise authorized by the student’s parent. *See* 20 U.S.C. § 1232g(b)(1). “Education records” means those records that contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution. *Id.* § 1232g(a)(4)(A). This office generally applies the same analysis under section 552.114 and FERPA. Open Records Decision No. 539 (1990).

Section 552.114 excepts from disclosure student records at an educational institution funded completely or in part by state revenue. Section 552.026 provides as follows:

This chapter does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

Gov't Code § 552.026. We note that the board is not an educational agency or institution for purposes of FERPA. See 20 U.S.C. § 1232g(a)(3) (defining educational agency or institution); 34 C.F.R. § 99.1(a) (same). Thus, FERPA and section 552.114 are generally inapplicable to the board. Although FERPA generally does not govern access to records in the custody of governmental bodies that are not educational agencies or institutions, there are exceptions to this rule. FERPA permits certain entities to have access to education records held by an educational agency or institution. 20 U.S.C. § 1232g(b)(1). In addition, FERPA allows education records to be released to any individual, agency, or organization with the written consent of the student's parents. *Id.* However, a governmental body that receives the education records pursuant to section 1232g(b)(1) is prohibited from subsequently releasing this information without the written consent of the parents of the student. *Id.* § 1232g(b)(4)(B). In this instance, you do not indicate the statutory authority under which the board received the records at issue. *Id.* § 1232g(b)(1). If the board received the information at issue from an educational agency under the written consent of the student's parents pursuant to section 1232g(b)(1), this information must be withheld from the requestor under FERPA unless the board received written consent from the parents to release this information to the requestor. *Id.* § 1232g(b)(1), (b)(4)(B). However, if the board did not obtain these documents from the educational agency under the written consent of the student's parents, the information may not be withheld under FERPA.

You also assert that a portion of the submitted information is subject to the Family Medical Leave Act (the "FMLA"), section 2654 of title 29 of the United States Code, which is also encompassed by Section 552.101. Section 825.500 of chapter V of title 29 of the Code of Federal Regulations identifies the record-keeping requirements for employers that are subject to the FMLA. Subsection (g) of section 825.500 states that

[r]ecords and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files, and if ADA is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements[], except that:

- (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;
- (2) First aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and

(3) Government officials investigating compliance with FMLA (or other pertinent law) shall be provided relevant information upon request.

29 C.F.R. § 825.500(g). You inform us that the submitted information you have marked was “created for purposes of the FMLA.” Having considered your representations and reviewed the information at issue, we find that this information is confidential under section 825.500 of title 29 of the Code of Federal Regulations. Further, we find that none of the release provisions of the FMLA apply to the information. Thus, we conclude that the information you have marked is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with the FMLA.

You claim that some of the submitted records are medical records, access to which is governed by the Medical Practice Act (“MPA”), subtitle B of title 3 of the Occupations Code. Section 159.002 of the MPA provides:

(a) A communication between a physician and a patient, relative to or in connection with any professional services as a physician to the patient, is confidential and privileged and may not be disclosed except as provided by this chapter.

(b) A record of the identity, diagnosis, evaluation, or treatment of a patient by a physician that is created or maintained by a physician is confidential and privileged and may not be disclosed except as provided by this chapter.

(c) A person who receives information from a confidential communication or record as described by this chapter, other than a person listed in Section 159.004 who is acting on the patient’s behalf, may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was first obtained.

Occ. Code § 159.002(a)-(c). Information that is subject to the MPA includes both medical records and information obtained from medical records. *See id.* §§ 159.002, .004; Open Records Decision No. 598 (1991). The marked medical records may be released only as provided under the MPA. Open Records Decision No. 598 (1991).

You assert that social security numbers contained in the submitted information are excepted from disclosure under section 552.101 in conjunction with section 58.001 of the Occupations Code, which provides as follows:

The social security number of an applicant for or holder of a license, certificate of registration, or other legal authorization issued by a licensing agency to practice in a specific occupation or profession that is provided to

the licensing agency is confidential and not subject to disclosure under Chapter 552, Government Code.

Occ. Code § 58.001. To the extent that the social security numbers in question are those of an applicant for or a holder of a license, certificate of registration, or other legal authorization issued by the board, we agree that they are confidential under section 58.001 of the Occupations Code and must be withheld from disclosure under section 552.101 of the Government Code.

To the extent that section 58.001 of the Occupations Code is not applicable to any social security number contained in the submitted documents, we note that section 552.147 of the Government Code² provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act. Therefore, the board must withhold the social security numbers contained in the submitted information under section 552.147.³

Section 552.101 also encompasses laws that make criminal history record information (“CHRI”) confidential. Federal regulations prohibit the release of CHRI maintained in state and local CHRI systems to the general public. *See* 28 C.F.R § 20.21(c)(1) (“Use of criminal history record information disseminated to noncriminal justice agencies shall be limited to the purpose for which it was given.”), (2) (“No agency or individual shall confirm the existence or nonexistence of criminal history record information to any person or agency that would not be eligible to receive the information itself.”). Section 411.083 provides that any CHRI maintained by the Department of Public Safety (“DPS”) is confidential. Gov’t Code § 411.083(a). Similarly, CHRI obtained from the DPS pursuant to statute is also confidential and may only be disclosed in very limited instances. *Id.* § 411.084; *see also id.* § 411.087 (restrictions on disclosure of CHRI obtained from DPS also apply to CHRI obtained from other criminal justice agencies). However, the definition of CHRI does not include driving record information maintained by the DPS under chapter 521 of the Transportation Code. *See* Gov’t Code § 411.082(2)(B). The CHRI that you have marked must be withheld.

Next, we address the board’s privacy arguments for the marked portions of the submitted information. For information to be protected from public disclosure by the common-law right of privacy under section 552.101, the information must meet the criteria set out in *Industrial Foundation*. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976). In *Industrial Foundation*, the Texas Supreme Court stated that information is excepted from disclosure if (1) the information contains highly intimate or

²Added by Act of May 23, 2005, 79th Leg., R.S., S.B. 1485, § 1, sec. 552.147(a) (to be codified at Tex. Gov’t Code § 552.147).

³We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person’s social security number from public release without the necessity of requesting a decision from this office under the Act.

embarrassing facts, the release of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Id.* at 685. The type of information considered intimate and embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683.

Prior decisions of this office have determined that some kinds of medical information and personal financial information not related to a transaction between an individual and a governmental body are protected by common-law privacy. *See* Open Records Decision Nos. 600 (1992) (personal financial information not related to transaction with governmental body generally not subject to legitimate public interest), 470 (1987) (information pertaining to illness from severe emotional and job-related stress protected by privacy), 455 (1987) (information pertaining to prescription drugs, specific illnesses, procedures, and physical disabilities protected by privacy). However, this office has also determined that the essential facts about a financial transaction between an individual and a governmental body generally are subject to a legitimate public interest. *See* Open Decision Nos. 545 (1990) (financial information pertaining to receipt of funds from governmental body or debts owed to governmental body not protected by common-law privacy), 523 (1989). Based on your representations and our review of the submitted information, we conclude that the information you have marked is protected from disclosure under the common-law right to privacy and must be withheld under sections 552.101 on that basis.

Section 552.102(b) excepts from disclosure “a transcript from an institution of higher education maintained in the personnel file of a professional public school employee.” Gov’t Code § 552.102(b). However, section 552.102 is applicable only to information contained in the personnel file of an employee of a governmental body. *See Hubert v. Harte-Hanks Tex. Newspapers, Inc.*, 652 S.W.2d 546, 549-51 (Tex. App.—Austin 1983, writ ref’d n.r.e.); *see also* Open Records Decision Nos. 473 at 3 (1987), 444 at 3-4 (1986), 423 at 2 (1984). We note that the information at issue is not maintained in a personnel file. Therefore, none of the submitted information may be withheld under section 552.102 of the Government Code.

Section 552.107(1) protects information coming within the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate that the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made “for the purpose of facilitating the rendition of professional legal services” to the client governmental body. TEX. R. EVID. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body. *In re Texas Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney

acting in a capacity other than that of attorney). Because government attorneys often act in capacities other than that of professional legal counsel, including as administrators, investigators, or managers, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. TEX. R. EVID. 503(b)(1)(A), (B), (C), (D), (E). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Finally, the attorney-client privilege applies only to a confidential communication, *id.* 503(b)(1), meaning it was “not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.” *Id.* 503(a)(5).

Whether a communication meets the definition of a confidential communication depends on the intent of the parties involved at the time the information was communicated. *Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.—Waco 1997, no writ). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain that the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein). Having considered your representations and reviewed the information at issue, we agree that the information you seek to withhold under section 552.107 constitutes privileged attorney-client communications. Therefore, this information may be withheld pursuant to section 552.107(1) of the Government Code.

We now turn to your section 552.117 claim against disclosure. Section 552.117(a)(1) excepts from disclosure the home address, home telephone number, social security number, and family member information of an employee of a governmental body, provided the employee elected to keep such information confidential pursuant to section 552.024 of the Government Code prior to the date the governmental body received a request for the information. This office has applied the interagency transfer doctrine to conclude that information made confidential under section 552.117(a)(1) of the Government Code remains confidential upon transfer to another governmental body. *See Open Records Decision No. No. 674 at 4-5 (2001)*. The transfer of confidential section 552.117 information did not destroy the confidentiality of that information. *See Open Records Decision No. 674 at 4-5 (2001)*; *see also Open Records Decision No. 516 (1989)* (Department of Public Safety did not violate confidentiality under predecessor of section 552.117(2) by transferring police officer’s home address to Attorney General’s Child Support Enforcement Office). If the school district employee filed an election with the school district under section 552.024 to keep confidential her home address and home telephone number, this information in the custody of the school district was confidential under section 552.117(a)(1). Pursuant to the intergovernmental transfer doctrine, the information remains confidential upon the record’s

transfer to the board. Thus, in order to ascertain whether the information is confidential and cannot lawfully be released to the public, the board must inquire with the school district as to whether the individuals elected under section 552.024 to keep confidential their home address and home telephone number. If so, the individuals' personal information contained in the submitted information are excepted from disclosure under section 552.117(a)(1). You also note that the submitted information includes bank account numbers. Section 552.136 of the Government Code provides as follows:

(a) In this section, "access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another access device may be used to:

- (1) obtain money, goods, services, or another thing of value; or
- (2) initiate a transfer of funds other than a transfer originated solely by paper instrument.

(b) Notwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.

Gov't Code § 552.136. You must withhold the account numbers that you have marked pursuant to section 552.136.

Finally, we address the e-mail addresses of members of the public in the submitted documents. Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). Section 552.137 does not apply to a government employee's work e-mail address because such an address is not that of the employee as a "member of the public" but is instead the address of the individual as a government employee. The e-mail addresses at issue in the remaining submitted information do not appear to be of a type specifically excluded by section 552.137(c). Therefore, in accordance with section 552.137, the board must withhold the marked e-mail addresses unless the board receives consent to release them.

In summary, the board may withhold Exhibits D, E, F, and the portion of Exhibit M it has marked under section 552.111 of the Government Code. Exhibit G is confidential under section 261.201 of the Family Code and must be withheld pursuant to section 552.101 of the Government Code. To the extent that the board the board received the submitted education

records from an educational agency under the written consent of the student's parents pursuant to section 1232g(b)(1), the information you have marked must be withheld from the requestor under FERPA unless the board received written consent from the parents to release this information to the requestor. You must withhold submitted FMLA information under section 552.101 of the Government Code in conjunction with section 825.500(g) of title 29 of the Code of Federal Regulations. The submitted medical records may only be released in accordance with the MPA. The social security numbers of board licensees are confidential under section 58.001 of the Occupations Code and must be withheld pursuant to section 552.101. The social security numbers of living individuals not licensed by the board must be withheld under section 552.147 of the Government Code. The submitted CHRI is confidential under section 411.083 of the Government Code. The board must withhold the information you have marked under section 552.101 in conjunction with common-law privacy. The marked attorney-client communications may be withheld under section 552.107(1) of the Government Code. The personal information of school district employees must be withheld under section 552.117(a)(1) to the extent it applies. Finally, the marked account numbers and public e-mail addresses must be withheld under sections 552.136 and 552.137 of the Government Code respectively. The remaining information must be released to the requestor.

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, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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); *Tex. 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,



L. Joseph James
Assistant Attorney General
Open Records Division

LJJ/seg

Ref: ID# 226702

Enc. Submitted documents

c: Ms. Dianna Pharr
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(w/o enclosures)