



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 31, 2010

Mr. Humberto F. Aguilera
Escamilla & Poneck, Inc.
For San Antonio Independent School District
P.O. Box 200
San Antonio, Texas 78291-0200

OR2010-04527

Dear Mr. Aguilera:

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# 377459.

The San Antonio Independent School District (the "district") received a request for "names, addresses & phone numbers (if not restricted), email address, campus, start date with district, type of position . . . date of birth, salary, and years of service" for all district employees. You state that you have provided the requestor with most of the requested information, but you claim that the dates of birth of district employees are excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.¹

We note district employee birth dates were the subject of a previous request, as a result of which this office issued Open Records Letter No. 2010-03006 (2010). In that ruling, we determined the district must release the dates of birth of district employees. As we have no indication that there has been any change in the law, facts, or circumstances on which 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.

previous ruling was based, we conclude the district must rely on Open Records Letter No. 2010-03006 as a previous determination and continue to treat the previously ruled upon information in accordance with that ruling.² See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 377459

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we need not address your arguments.