



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 29, 2010

Mr. William Christian
Graves, Dougherty, Hearon & Moody, PC
401 Congress Avenue, Suite 2200
Austin, Texas 78701

OR2010-06203

Dear Mr. Christian:

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# 377497.

The Del Mar College District (the "district"), which you represent, received a request for the video recording of a specified district Board of Regents (the "board") meeting and for a copy of documents provided to the board at that meeting by a named individual. You state the district has released the requested video recording. Although you take no position as to the public availability of the submitted documents, you state release of this information may implicate the privacy interests of the named individual. Accordingly, you state that the district notified the named individual of this request for information and of his right to submit arguments to this office as to why the requested documents should not be released. *See Gov't Code § 552.304* (providing that interested party may submit comments stating why information should or should not be released). We have reviewed the submitted information and considered comments submitted by the requestor. *See id.*

As of the date of this letter, we have not received any comments from the named individual explaining why any portion of the submitted information should not be released to the requestor. However, a portion of the submitted information may be excepted from disclosure under section 552.117 of the Government Code.¹

Section 552.117(a)(1) excepts from disclosure the current and former home addresses and telephone numbers, social security numbers, and family member information of current or

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).*

former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. *Id.* § 552.117(a)(1). Whether information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). The district may only withhold information under section 552.117(a)(1) on behalf of current or former officials or employees who made a request for confidentiality under section 552.024 prior to the date on which the request for this information was made.

We have marked personal information pertaining to a district employee or official in the submitted information. You have not informed us whether or not this individual timely chose to not allow public access to his or her personal information. Therefore, if the individual whose information we marked timely requested confidentiality for this information, the district must withhold the information we marked pursuant to section 552.117(a)(1) of the Government Code. However, if this individual did not timely request confidentiality for the marked information, this information may not be withheld. As you raise no exceptions to disclosure, the remaining information must be released.

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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/cc

Ref: ID# 377497

Enc. Submitted documents

cc: Requestor
(w/o enclosures)