



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 11, 2010

Mr. John A. Kazen
Attorney for Laredo Independent School District
Kazen, Meurer & Perez, L.L.P.
P.O. Box 6237
Laredo, Texas 78042-6237

OR2010-06745

Dear Mr. Kazen:

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# 379223.

The Laredo Independent School District (the "district"), which you represent, received a request for a list of the telephone records for the substitute teachers in the district. You claim that a portion of the submitted information is excepted from disclosure under section 552.117 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

You claim the submitted documents may contain information excepted from disclosure under section 552.117 of the Government Code. Section 552.117(a)(1) excepts from disclosure the home addresses, home telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024.² See Gov't Code § 552.117(a)(1). Whether a particular piece of information is protected by section 552.117

¹Although you also raise section 552.101 of the Government Code as an exception to disclosure of the submitted information, you have provided no arguments regarding the applicability of this section. We, therefore, assume you no longer assert this section. See Gov't Code §§ 552.301(b), (e), .302.

²We note that section 552.024(c)(2) of the Government Code now allows a governmental body to redact certain personal information pertaining to employees who properly elected to keep their information confidential without the necessity of requesting a ruling from this office. See Gov't Code § 552.024(c)(2).

must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). Thus, the district may only withhold information under section 552.117(a)(1) on behalf of a current or former official or employee who made a request for confidentiality under section 552.024 prior to the date on which the request for this information was made. Information may not be withheld under section 552.117(a)(1) on behalf of a current or former official or employee who did not timely request under section 552.024 that the information be kept confidential. The submitted documents contain the home telephone numbers of district employees and reveal only whether the employees have elected "Directory Access" to their information. Because you have not indicated if these employees made a proper election under section 552.024, we must rule conditionally. Thus, to the extent the employees made a timely election under section 552.024, the district must withhold the home telephone numbers we have marked under section 552.117(a)(1). The district may not withhold this information under section 552.117(a)(1) if the employees did not make a timely election under section 552.024 to keep their home telephone numbers confidential. 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,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/rl

Ref: ID# 379223

Enc. Submitted documents

cc: Requestor
(w/o enclosures)