



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 16, 2011

Ms. Emily A. Quillen  
Henslee Schwartz, L.L.P.  
306 West 7<sup>th</sup> Street, Suite 1045  
Fort Worth, Texas 76102

OR2011-06823

Dear Ms. Quillen:

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# 417633.

The Dublin Independent School District (the "district"), which you represent, received a request for six categories of information pertaining to a named district employee. You state some of the requested information will be released. You claim the documents submitted in Exhibit C are education records subject to the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we address your claim that the e-mail string in Exhibit 2 is not responsive to the request for information. In this instance, category six of the request is for a copy of the employee's official and campus personnel files. You state the e-mail string was located in the employee's campus personnel file. Thus, we find this information is responsive to the request for information. As you raise no exceptions to disclosure for the e-mail string in Exhibit 2, we have marked it for release.

You state the records in Exhibit 3 are education records located in the employee's campus personnel file. The United States Department of Education Family Policy Compliance Office has informed this office that FERPA does not permit state and local educational authorities to disclose to this office, without parental or an adult student's consent, unredacted, personally identifiable information contained in education records for the

purpose of our review in the open records ruling process under the Act.<sup>1</sup> Consequently, state and local educational authorities that receive a request for education records from a member of the public under the Act must not submit education records to this office in unredacted form, that is, in a form in which “personally identifiable information” is disclosed. See 34 C.F.R. § 99.3 (defining “personally identifiable information”). Because our office is prohibited from reviewing these education records to determine whether appropriate redactions under FERPA should be made, we will not address the applicability of FERPA to any of the records in Exhibit C. Such determinations under FERPA must be made by the educational authority in possession of the education records.<sup>2</sup>

In summary, the district must release the marked e-mail string in Exhibit B. The district must determine the appropriate information to redact from the records in Exhibit C under FERPA.

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](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,



Kenneth Leland Conyer  
Assistant Attorney General  
Open Records Division

KLC/eeg

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<sup>1</sup>A copy of this letter may be found on the Office of the Attorney General’s website at <http://www.oag.state.tx.us/open/20060725usdoe.pdf>.

<sup>2</sup>In the future, if the district does obtain parental or an adult student’s consent to submit unredacted education records and the district seeks a ruling from this office on the proper redaction of those education records in compliance with FERPA, we will rule accordingly.

Ref: ID# 417633

Enc. Submitted documents

c: Requestor  
(w/o enclosures)