



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 17, 2011

Ms. Sara Kate Jancaitis  
Strasburger & Price, S.C.  
901 Main Street, Suite 4400  
Dallas, Texas 75202

OR2011-06926

Dear Ms. Jancaitis:

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# 417903.

The Dallas County Community College District (the "district"), which you represent, received a request for five categories of information related to the search for the most recent president of Eastfield College.<sup>1</sup> You state you are releasing some of the requested information. You claim that the submitted information is excepted from disclosure under section 552.123 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>2</sup>

Section 552.123 of the Government Code excepts from required public disclosure:

The name of an applicant for the position of chief executive officer of an institution of higher education . . . except that the governing body of the institution must give public notice of the name or names of the finalists being

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<sup>1</sup>We note that the district sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing that if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

<sup>2</sup>We 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.

considered for the position at least 21 days before the date of the meeting at which final action or vote is to be taken on the employment of the person.

Gov't Code § 552.123. Section 552.123 permits the withholding of *any* identifying information about the candidates, not just their names. Open Records Decision No. 540 (1990) (construing statutory predecessor to section 552.123). Examples of information identifying individuals might include, but are not limited to, resumes, professional qualifications, membership in professional organizations, dates of birth, current positions, publications, letters of recommendation, or any other information that can be uniquely associated with a particular applicant. *Id.* at 4. In addition, the exception protects the identities of all persons being considered for the position of university chief executive officer, whether they are nominated or apply on their own initiative. *Id.* at 5.

Eastfield College is an "institution of higher education" as defined by section 61.003(8) of the Texas Education Code. Educ. Code § 61.003(8). We understand the president is the "chief executive officer." You state the submitted information contains the identifying information of candidates for the position of president of Eastfield College. Based on your representations and our review of the submitted information, we conclude that the district may withhold the information we have marked under section 552.123 of the Government Code. However, we find you have failed to demonstrate how the remaining information at issue identifies or tends to identify particular candidates. Thus, the district may not withhold the remaining information pursuant to section 552.123 of the Government Code. Accordingly, this 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](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,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/eeg

Ref: ID# 417903

Enc. Submitted documents

c: Requestor  
(w/o enclosures)