



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

July 5, 2011

Mr. Thomas A Dyar
Legal Counsel
Grand Prairie Independent School District
2602 South Beltline Road
Grand Prairie, Texas 75053-1170

OR2011-09460

Dear Mr. Dyar:

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# 422674.

The Grand Prairie Independent School District (the "district") received a request for attendance records of a named student since 2000 and e-mail correspondence for a named district employee since 2010.¹ You indicate some information has been released to the requestor. While you do not claim any exceptions for the submitted information, you state its release may implicate the interests of a third party. Accordingly, you provide documentation showing you notified the third party of the request and her right to submit arguments to this office. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).² We have considered the submitted information.

¹ You state, and provide documentation showing, the district sought and received clarification of the request. *See* Gov't Code § 522.222(b) (stating if information requested is unclear or large amount has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used). *See also* *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad 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).

² As of the date of this ruling, we have not received comments from the third party at issue.

Section 552.107(2) of the Government Code provides that information is excepted from disclosure if “a court by order has prohibited disclosure of the information.” *Id.* § 552.107(2). As a result of the request for her e-mails, the named employee filed a Motion for Protective Order to prevent disclosure of the information. Since the district’s request for a ruling, the district has received, and submitted to this office, a court order in the case styled *In the matter of the Marriage of Jose R. Santos and Joanna R. Santos and in the interest of John R. Santos, a Child*, No. 10-02663 (303rd Dist. Ct., Dallas County, Tex., May 11, 2011). The court order provides that e-mails between the named district employee and her named attorney “are not to be produced to [the requestor], but to the Court for *in camera* inspection.” Therefore, we find the district must withhold the submitted information under section 552.107(2) of the Government Code.

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,



Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/bs

Ref: ID # 422674

Enc. Submitted documents

c: Requestor
(w/o enclosures)