



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 9, 2012

Mr. S. Anthony Safi
Attorney for El Paso Independent School District
Mounce, Green, Myers, Safi, Paxson & Galatzan, PC
P.O. Box 1977
El Paso, Texas 79999-1977

OR2012-02095

Dear Mr. Safi:

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# 448788.

The El Paso Independent School District (the "district"), which you represent, received a request for specified information concerning all district employees. You state some information will be released to the requestor. You claim the submitted information is excepted from disclosure under section 552.102 of the Government Code.¹ We have considered the claimed exception and reviewed the submitted information.

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a). The Texas Supreme Court recently held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, No. 08-0172, 2010 WL 4910163 (Tex. Dec. 3, 2010). Having carefully reviewed the information at issue, we conclude you must withhold the dates of birth

¹Although you also raise section 552.101 of the Government Code, you have not presented arguments explaining how this exception applies to the submitted information, as required by section 552.301. Thus, this ruling does not address section 552.101. See Gov't Code §§ 552.301(e)(1)(A), .302.

of district employees in the submitted information under section 552.102(a) of the Government Code. The remaining information must be released to the requestor.

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/agn

Ref: ID # 448788

Enc. Submitted documents

c: Requestor
(w/o enclosures)