



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 2, 2012

Ms. Frances R. Broussard  
Attorney for Deer Park Independent School District  
Thompson & Forton, LLP  
3200 Southwest Freeway, Suite 2000  
Houston, Texas 77027

OR2012-04727

Dear Ms. Broussard:

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# 4-9920.

The Deer Park Independent School District (the "district"), which you represent, received a request for information regarding staff training and safety audits at a specified school during a specified time period.<sup>1</sup> You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

We first note you have not submitted any of the requested information pertaining to staff training. To the extent information responsive to this portion of the request existed on the date the district received the request, we assume you have released it. *See* Open Records Decision No. 64 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such records, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

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<sup>1</sup>You state, and provide documentation showing, the district sought and received clarification of the request. *See* Gov't Code § 552.222(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).

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. This exception encompasses information other statutes make confidential. You claim section 552.101 in conjunction with section 37.108 of the Education Code, which provides in part:

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district’s facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

...

(c-1) Except as provided by Subsection (c-2), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (b) is not subject to disclosure under [the Act].

Educ. Code § 37.108(b), (c-1). You state the submitted information was collected, developed, or produced during safety and security audits of the district’s facilities, as required by section 37.108(b). *See id.* § 37.108(b). You also state none of the exceptions in subsection (c-2) are applicable to the information you have indicated. *See id.* § 37.108(c-2) (listing types of documents relating to district’s multihazard emergency operations plan that are subject to disclosure). Based on your representations and our review, we conclude the district must withhold the information you have indicated under section 552.101 of the Government Code in conjunction with section 37.108(c-1) of the Education Code.<sup>2</sup> As you raise no exceptions to disclosure for the remaining information, it 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](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

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<sup>2</sup>Because our ruling as to the information you have marked is dispositive, we do not address your remaining argument against its disclosure.

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,

A handwritten signature in cursive script that reads "Misty Haberer Barham".

Misty Haberer Barham

Assistant Attorney General  
Open Records Division

MHB/som

Ref: ID# 449920

Enc. Submitted documents

c: Requestor  
(w/o enclosures)