



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 21, 2012

Mr. Christopher L. Pirtle
Underwood Law Firm, PC
P.O. Box 9158
Amarillo, Texas 79105-9158

OR2012-07655

Dear Mr. Pirtle:

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# 458002.

The Big Spring Independent School District (the "district"), which you represent, received a request for eleven categories of information pertaining to Bible courses offered by the district, including qualifications of individuals who have taught or currently teach those courses. You state the district has released most of the responsive information to the requestor. You state you have redacted information subject to section 552.117 of the Government Code as permitted by section 552.024(c) of the Government Code.¹ You claim some of the submitted information is excepted from disclosure under section 552.102 of the Government Code. We have considered the exception you claim 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 has held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll

¹Section 552.117(a)(1) of the Government Code excepts from disclosure the home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former officials or employees of a governmental body. Gov't Code § 552.117(a)(1). Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117(a)(1) without requesting a decision from this office if the current or former employee or official chooses not to allow public access to the information. *See id.* § 552.024(c).

database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (2010). Having reviewed the information at issue, we agree the dates of birth you have marked must be withheld under section 552.102(a) of the Government Code.

Section 552.102(b) of the Government Code excepts from disclosure all information from higher education transcripts of professional public school employees other than the employee's name, the courses taken, and the degree obtained. *See* Gov't Code § 552.102(b); Open Records Decision No. 526 (1989). You raise section 552.102(b) for the remaining information you have marked in the submitted transcripts. Upon review, we agree the district must withhold this information pursuant to section 552.102(b) of the Government Code.

In summary, the district must withhold the information you have marked under section 552.102 of the Government Code. The remaining 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, 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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/ag

Ref: ID# 458002

Enc. Submitted documents

c: Requestor
(w/o enclosures)