



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 27, 2012

Ms. Leila Feldman  
General Counsel  
Fort Bend Independent School District  
16431 Lexington Boulevard  
Sugar Land, Texas 77479

OR2012-09922

Dear Ms. Feldman:

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# 457292.

The Fort Bend Independent School District (the "district") received a request for information pertaining to "VIPS coordinators and PTA and/or PTO presidents" for all campuses. You state the district is withholding e-mail addresses under section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).<sup>1</sup> You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 of the Government Code encompasses section 22.08391 of the Education Code. Section 22.08391(a) protects information collected to conduct criminal history records searches of school district employees and volunteers and provides in relevant part:

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<sup>1</sup>Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

(a) Information collected about a person to comply with this subchapter, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records:

(1) may not be released except:

(A) to comply with this subchapter;

(B) by court order; or

(C) with the consent of the person who is the subject of the information;

(2) is not subject to disclosure as provided by [the Act]; and

(3) shall be destroyed by the requestor or any subsequent holder of the information not later than the first anniversary of the date the information is received.

Educ. Code § 22.08391(a). Thus, except in the specified circumstances, section 22.08391 prohibits the release of information about a person collected in order to conduct a criminal history record search. *Id.* You claim the information at issue is confidential under section 22.08391, but do not state whether it was collected in order to conduct criminal history record searches of district volunteers. Thus, we rule conditionally. To the extent the submitted information was collected by the district for purposes of conducting criminal history record searches on district volunteers, the district must withhold the submitted names, telephone numbers, and addresses under section 552.101 of the Government Code in conjunction with section 22.08391 of the Education Code. However, to the extent the submitted names, telephone numbers, and addresses were not collected by the district for purposes of conducting criminal history record searches, they are not confidential under section 22.08391 of the Education Code and may not be withheld under section 552.101 of the Government Code on this basis and 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,

*Paige Lay*

Paige Lay  
Assistant Attorney General  
Open Records Division

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PL/som

Ref: ID# 457292

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)