



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 21, 2012

Ms. Andrea Sheehan
Ms. Elisabeth D. Nelson
Counsel for the Carrollton Farmers Branch ISD
Law Offices of Robert E. Luna, P.C.
4411 North Central Expressway
Dallas, Texas 75205

OR2012-13200

Dear Ms. Sheehan and Ms. Nelson:

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# 466950.

The Carrollton Farmers Branch Independent School District (the "district"), which you represent, received a request for information related to retiring full-time employees. You state some of the requested information either has been or will be released, with redactions permitted by section 552.024(c) of the Government Code.¹ You claim other responsive information is excepted from disclosure under section 552.102(a) of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

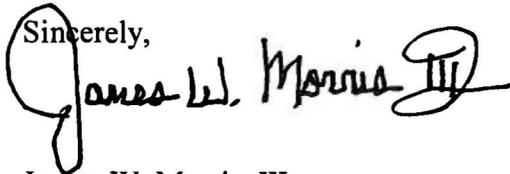
Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a). The Texas Supreme Court has held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *See Tex. Comptroller of Pub.*

¹Section 552.024(c) authorizes a governmental body to redact information protected by section 552.117(a)(1) of the Government Code without the necessity of requesting a decision under the Act if the current or former employee to whom the information pertains timely chooses not to allow public access to the information. *See Gov't Code §§ 552.024(c)(2), .117(a)(1).*

Accounts v. Attorney Gen. of Tex., 354 S.W.3d 336, 348 (Tex. 2010). We agree the district must withhold the employees' birth dates you have highlighted under section 552.102(a) of the Government Code. The district must release the rest of the submitted information unless it has already done so.

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,


James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/bhf

Ref: ID# 466950

Enc: Submitted documents

c: Requestor
(w/o enclosures)