



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 2, 2012

Mr. Paul Fletcher
For City of Eagle Pass
Langley & Banack
745 East Mulberry, Suite 900
San Antonio, Texas 78212-3166

OR2012-15683

Dear Mr. Fletcher:

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# 470947 (Records Request #2012-035).

The City of Eagle Pass (the "city"), which you represent, received a request for the fire department's promotional evaluation of the requestor. You claim the requested information is excepted from disclosure under section 552.122 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the submitted information is subject to section 552.022 of the Government Code, which provides in pertinent part:

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under [the Act] or other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108[.]

Gov't Code § 552.022(a)(1). The submitted information consists of a completed evaluation. Pursuant to section 552.022(a)(1) of the Government Code, a completed evaluation is

expressly public unless it is either excepted under 552.108 of the Government Code or is "made confidential under [the Act] or other law[.]" Section 552.122 of the Government Code does not make information confidential under the Act. See Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions). As such, section 552.122 does not make information confidential for the purposes of section 552.022. Consequently, the submitted evaluation may not be withheld under section 552.122 of the Government Code. As you raise no further exceptions for the submitted evaluation, it 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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/ag

Ref: ID# 470947

c. Submitted documents

c: Requestor
(w/o enclosures)