



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 27, 2012

Ms. Brandy N. Davis
Counsel for the North Texas Central College
Abernathy, Roeder, Boyd & Joplin, P.C.
P.O. Box 1210
McKinney, Texas 75070-1210

OR2012-19020

Dear Ms. Davis:

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# 471883.

North Central Texas College (the "college"), which you represent, received a request from two requestors for all documents executed during a specified time period constituting "settlement agreements, employment contract buy-out agreements, or employee settlement agreements involving [the college] and employees or former employees in which the employee or former employee was paid a sum of money for other than work already performed." You state you have released some of the requested information. Although you take no position on whether the submitted information is excepted from disclosure, you state its release may implicate the privacy interests of third parties. Accordingly, you notified the third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information). As of the date of this letter, we have not received comments from any of the third parties explaining why the submitted information should not be released. We have reviewed the submitted information.

We note portions of the submitted information are subject to section 552.117 of the Government Code.¹ Section 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 who request this information be kept confidential under section 552.024 of the Government Code. *Id.* § 552.117(a). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Information may only be withheld under section 552.117(a)(1) on behalf of a current or former official or employee who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information. Thus, if the individuals whose information we have marked timely requested confidentiality under section 552.024, the college must withhold the information we have marked under section 552.117(a)(1). Conversely, if the individuals did not make a timely election under section 552.024, the college may not withhold the marked information under section 552.117(a)(1). As no additional exceptions to disclosure are raised, the remaining information 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, 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,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/bhf

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 471883

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

Ms. Amber Brasher
3900 Teasley Lane #8
Denton, Texas 76210
(w/o enclosures)

Ms. Lindsey Coberley
1206 Magnolia
Gainesville, Texas 76240
(w/o enclosures)

Ms. Condoa Parrent
13 Gregg Road
Krum, Texas 76249-5146
(w/o enclosures)