



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 8, 2013

Mr. Orlando Juarez, Jr.  
Counsel for United Independent School District  
Escamilla, Poneck & Cruz  
216 West Village Boulevard, Suite 202  
Laredo, Texas 78041

OR2013-02286

Dear Mr. Juarez:

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# 482406.

The United Independent School District (the "district"), which you represent, received a request for the names, addresses, job titles, campuses or departments, and dates of birth of all active district employees. You state some of the requested information will be withheld pursuant to section 552.024(c) of the Government Code.<sup>1</sup> You claim some of the remaining requested information is excepted from disclosure under section 552.102 of the Government Code. We have considered the exception you claim.

Section 552.102 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. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336, 348 (Tex. 2010). We conclude the

---

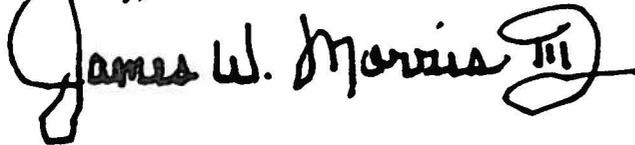
<sup>1</sup>Section 552.024(c) of the Government Code authorizes a governmental body to redact information related to an employee and protected by section 552.117(a)(1) of the Government Code without the necessity of requesting a decision under the Act if the employee has timely chosen not to allow public access to the information. *See* Gov't Code §§ 552.024(c)(2), .117(a)(1).

district must withhold its employees' dates of birth under section 552.102(a) of the Government Code. The rest of the requested 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](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,

A handwritten signature in black ink that reads "James W. Morris III". The signature is written in a cursive style with a large initial "J" and a stylized "III" at the end.

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

JWM/eb

Ref: ID# 482406

c: Requestor