



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 10, 2013

Ms. Maria Miller
Legal Assistant
Dallas County Community College District
1601 South Lamar, Suite 208
Dallas, Texas 75215-1816

OR2013-21432

Dear Ms. Miller:

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# 508263.

The Dallas County Community College District (the "district") received a request for "the list of candidates interviewing for the Chancellor position." You claim the submitted information is exempted from disclosure under section 552.123 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.123 of the Government Code exempts from required public disclosure:

The name of an applicant for the position of chief executive officer of an institution of higher education . . . except that the governing body of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or vote is to be taken on the employment of the person.

Gov't Code § 552.123. Section 552.123 permits the withholding of *any* identifying information about the candidates, not just their names. Open Records Decision No. 540 (1990) (construing statutory predecessor to section 552.123). Examples of information identifying individuals might include, but are not limited to, resumes, professional qualifications, membership in professional organizations, dates of birth, current positions, publications, letters of recommendation, or any other information that can be uniquely associated with a particular applicant. *Id.* at 4. In addition, the exception protects the

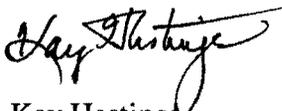
identities of all persons being considered for the position of university chief executive officer, whether they are nominated or apply on their own initiative. *Id.* at 5.

The district is an "institution of higher education" as defined by section 61.003(8) of the Texas Education Code. Educ. Code § 61.003(8). Additionally, we understand the chancellor is the "chief executive officer" of the district. The submitted information contains the identifying information of candidates for the position of chancellor of the district. You also state the district will give public notice of the name or names of the finalists being considered for the position at least 21 days before the date the final vote on the employment of the person is to be taken. Based on your representations and our review of the submitted information, we conclude the district may withhold the information we have marked under section 552.123 of the Government Code. However, we find you have failed to demonstrate how the remaining information at issue identifies or tends to identify particular candidates. Thus, the district may not withhold the remaining information pursuant to section 552.123 of the Government Code. As you raise no other exception to disclosure for this remaining information, 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kay Hastings
Assistant Attorney General
Open Records Division

KH/sdk

Ref: ID# 508263

Enc. Submitted documents

c: Requestor
(w/o enclosures)