



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 31, 2014

Ms. Leticia D. McGowan
School Attorney
Dallas Independent School District
3700 Ross Avenue
Dallas, Texas 75204

OR2014-05311

Dear Ms. McGowan:

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# 518386 (Dallas ISD ORR# 12696).

The Dallas Independent School District (the "district") received a request for information pertaining to a specified investigation. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.135 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

The submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2014-04308 (2014). As to the information currently at issue, in Open Records Letter No. 2014-04308, we determined the following: (1) should the district determine that all or portions of the information at issue consists of "education records" that must be withheld under Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code, the district must dispose of that information in accordance with FERPA, rather than the Act; (2) the district must withhold certain information under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code; (3) the district must withhold the identifying information of juvenile victims of abuse or neglect and the family members of these juveniles under section 552.101 of the Government Code in conjunction with common-law privacy; (4) the district must withhold certain information under section 552.117(a)(1) of the Government Code, to the extent the employees at issue timely elected to keep their information confidential pursuant to section 552.024 of the Government Code; and (5) the district must release the remaining information.

However, the submitted information contains the home address and telephone number of the current requestor, which, in the previous ruling, was withheld pursuant to section 552.117(a)(1), to the extent the district employee made a timely election under section 552.024. The current requestor has a right of access to her own home address and telephone number pursuant to section 552.023 of the Government Code. *See* Gov't Code § 552.023(a) (person or person's authorized representative has a special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person's privacy interests). Accordingly, we find the circumstances have changed with respect to the current requestor's home address and telephone number. Therefore, the district may not rely on Open Records Letter No. 2014-04308 as a previous determination with respect to the current requestor's home address and telephone number. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As noted above, the requestor has a right of access to her own home address and telephone number and the district must release it to her pursuant to section 552.023. Nevertheless, we have no indication the law, facts, and circumstances on which the prior ruling was based have changed with regard to the remaining information. Thus, the district must continue to rely on Open Records Letter No. 2014-04308 as a previous determination and withhold or release the remaining information in accordance with that ruling. *See id.*

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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/akg

Ref: ID# 518386

Enc. Submitted documents

c: Requestor
(w/o enclosures)