



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 30, 2014

Mr. Douglas R. Brock
Counsel for The Education Service Center Region 13
Walsh, Anderson, Gallegos, Green & Trevino, P.C.
P.O. Box 2156
Austin, Texas 78768

OR2014-13200

Dear Mr. Brock:

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# 531558.

The Education Service Center, Region 13 (the "center"), which you represent, received a request for information pertaining to a specified investigation of a named driver training school. The center claims some of the requested information is excepted from disclosure under section 552.135 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.135 reads in relevant part as follows:

- (a) "Informer" means a student or a former student or an employee or former employee of a school district who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the school district or the proper regulatory enforcement authority.
- (b) An informer's name or information that would substantially reveal the identity of an informer is excepted from the requirements of Section 552.021.

Gov't Code § 552.135. You seek to withhold the identifying information of an employee of a driver training school who made a report of possible violations of criminal, civil, or regulatory law to the center regarding the driver training school at issue. However, section 552.135 is applicable only to the identifying information of a student or employee of a school district. *See* Gov't Code § 552.135(a). Upon review, we find you have not

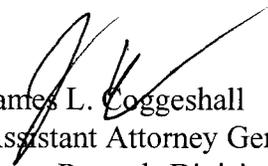
established the driver training school is a school district for purposes of section 552.135. Thus, we find you have failed to establish section 552.135 is applicable to any of the submitted information, and the center may not withhold it on that ground.

The submitted information contains the e-mail address of a member of the public. Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c).¹ See Gov't Code § 552.137(a)-(c). Section 552.137 does not apply to a government employee's work e-mail address because such an address is not that of the employee as a "member of the public," but is instead the address of the individual as a government employee. The e-mail address at issue does not appear to be of a type specifically excluded by section 552.137(c), and you do not inform us a member of the public has affirmatively consented to its release. Therefore, the center must withhold the e-mail address we have marked under section 552.137 of the Government Code. The center must release the remaining information.

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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/eb

¹The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body. See Open Records Decision Nos. 481 at 2 (1987), 480 at 5 (1987); see, e.g., Open Records Decision No. 470 at 2 (1987) (because release of confidential information could impair rights of third parties and because improper release constitutes a misdemeanor, attorney general will raise predecessor statute of section 552.101 on behalf of governmental bodies).

Ref: ID# 531558

Enc. Submitted documents

c: Requestor
(w/o enclosures)