



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 19, 2014

Ms. Lori J. Robinson  
Staff Attorney  
Legal Services Department  
Austin Independent School District  
1111 West Sixth Street  
Austin, Texas 78703

OR2014-14578

Dear Ms. Robinson:

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# 533318.

The Austin Independent School District (the "district") received a request for nine categories of information related to a specified district investigation, excluding any student-identifying information or the social security numbers, employee identification numbers, home addresses, mailing addresses, home telephone numbers or photographs of any district employee. You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor has excluded any student-identifying information or the social security numbers, employee identification numbers, home addresses, mailing addresses, home telephone numbers or photographs of any district employee from the scope of his request. Accordingly, these types of information are not responsive to the present request.

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<sup>1</sup>Although you also raise section 552.101 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim this section applies to the submitted information. See Gov't Code §§ 552.301, .302.

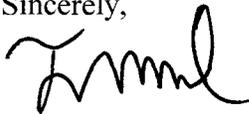
This ruling does not address the public availability of non-responsive information, and the district need not release it in response to this request.

Next, we note the responsive information is subject to section 552.022 of the Government Code. Section 552.022(a)(1) provides for the required public disclosure of “a completed report, audit, evaluation, or investigation made of, for, or by a governmental body[.]” unless it is excepted by section 552.108 of the Government Code or “made confidential under [the Act] or other law[.]” Gov’t Code § 552.022(a)(1). The responsive information consists of a completed investigation subject to section 552.022(a)(1). The district must release the responsive information unless it is either excepted under section 552.108 of the Government Code or is confidential under the Act or other law. Although you assert the responsive information is excepted from disclosure under section 552.103 of the Government Code, this section is discretionary and does not make information confidential under the Act. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision No. 542 at 4 (1990) (statutory predecessor to section 552.103 may be waived); *see also* Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). Therefore, the district may not withhold the responsive information under section 552.103. As you raise no further exceptions to disclosure, the district must release the responsive information 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/bhf

Ref: ID# 533318

Enc. Submitted documents

c: Requestor  
(w/o enclosures)