



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 16, 2016

Mr. Robert N. Jones, Jr.  
Assistant General Counsel  
Texas Workforce Commission  
101 East 15th Street  
Austin, Texas 78778-0001

OR2016-03629

Dear Mr. Jones:

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# 598341 (TWC# 151119-013).

The Texas Workforce Commission (the "commission") received a request for specified complaints filed with the Civil Rights Division of the commission (the "division") during a specified time period. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. You also state you notified the Texas Health and Human Services Commission of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information other statutes make confidential. Pursuant to section 21.204 of the Labor Code, the commission may investigate a complaint of an unlawful employment practice. *See* Labor Code § 21.204; *see also id.* §§ 21.0015 (powers of Commission on Human Rights under Labor Code chapter 21 transferred to the division), .201. Section 21.304 of the Labor Code, which relates to public release of information obtained by the commission, provides as follows:

An officer or employee of the commission may not disclose to the public information obtained by the commission under Section 21.204 except in compliance with section 21.305 and as necessary to the conduct of a proceeding under this chapter.

*Id.* § 21.304. You state the submitted information pertains to complaints of unlawful employment discrimination that were filed with the division under section 21.304 of the Labor Code and on behalf of the Equal Employment Opportunity Commission. We therefore agree that the submitted information is confidential under section 21.304 of the Labor Code. You state the release provisions of section 21.305 of the Labor Code are not applicable to the submitted information because the requestor is not a party to the complaints. *See id.* § 21.305. Accordingly, the commission must withhold the submitted information under section 552.101 of the Government Code.

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,



Ashley Crutchfield  
Assistant Attorney General  
Open Records Division

AC/dls

Ref: ID# 598341

Enc. Submitted documents

c: Requestor  
(w/o enclosures)