



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 22, 2016

Mr. John Key
Executive Director
Economic Opportunities Advancement Corporation
500 Franklin Avenue
Waco, Texas 76701-2111

OR2016-06517

Dear Mr. Key:

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# 602348.

The Economic Opportunities Advancement Corporation (the "corporation") received a request for the resumes submitted by individuals who interviewed for a specified position. You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.117, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim. Additionally, we have received and considered comments from individuals who state they are parties with interests in the information at issue. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

Initially, we note the corporation has submitted some of the requested information, which it argues is a representative sample, in a manner so obscured in portions that we are unable to review it. The corporation must submit information in a manner that enables this office to determine whether the submitted information is representative of the requested information, and whether such information falls within the scope of an exception to disclosure. As this office cannot review the information at issue, we conclude you have failed to comply with the requirements of section 552.301 of the Government Code with respect to such information. *See id.* § 552.301(e)(1)(D). Under section 552.302 of the Government Code, a governmental body's failure to comply with section 552.301 results in the presumption the information is public and must be released, unless there is a compelling reason to withhold the information. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ); Open Records Decision No. 319 (1982). Generally, a compelling reason to withhold information exists when the information is confidential by law

or third party interests are at stake. *See* Open Records Decision Nos. 630 at 3 (1994), 325 at 2 (1982). Sections 552.101, 552.102, 552.117 and 552.130 of the Government Code can provide compelling reasons to overcome the presumption of openness; furthermore, third parties have submitted comments to this office asserting they have interests at stake in some of the requested information. However, because this office is unable to review the information at issue, we have no basis to conclude there are any compelling reasons to withhold the information at issue. Therefore, we have no choice but to order the corporation to release the requested information.¹ If you maintain a legible copy of the information at issue and believe any other information contained therein is confidential and may not lawfully be released, then you must challenge this ruling in court pursuant to section 552.324 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, 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,



Joseph Behnke
Assistant Attorney General
Open Records Division

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¹We note, however, section 552.117 of the Government Code excepts from disclosure the home addresses and telephone numbers, social security numbers, emergency contact information, and family member information of current or former officials or employees of a governmental body. *See* Gov't Code § 552.117. Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117 without requesting a decision from this office if the employee or official or former employee or official chooses not to allow public access to the information. *See id* § 552.024(c). Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See id.* § 552.147(b).

Ref: ID# 602348

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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