



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

February 7, 1975

Dr. W. O. Trogdon, President
Tarleton State University
Tarleton Station
Stephenville, Texas 76402

Open Records Decision No. 70

Re: Placement file of
student at University

Dear Dr. Trogdon:

Pursuant to article 6252-17a, V. T. C. S., the Open Records Act, a student has requested permission to view information in her placement file in the University Placement Office. You contend that faculty appraisal information in the file is confidential.

The student requesting access to the file registered with the placement office and listed three faculty members as references. Those faculty members designated by the student were sent appraisal forms by the placement office to be completed by the faculty member and placed in the student's placement file. The form used is designated as a "confidential appraisal form," is treated as confidential by the placement office, and access to the completed forms is only given to prospective employers at the student's request. Based on the facts and practices you have described, it seems clear that the understanding of the faculty members requested to prepare an appraisal has been that their comments are directed to prospective employers, and that there has been an expectation of confidentiality in that communication.

In Open Records Decision No. 53 (1974), we held that where a student had not registered with the placement service and information was automatically sent to the placement office, whatever records were maintained as to the student were maintained as student records and accessible to the student under section 3(a)(14) of the Act.

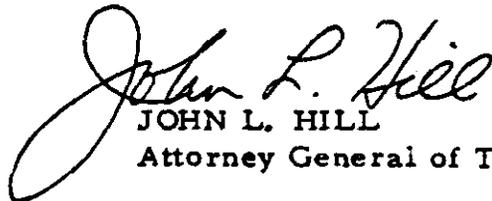
The situation here is different only in that the student registered with the placement office. However, there is no indication that in doing so, the student could or did expressly waive any right she may have to access, and we have no basis on which to imply such a waiver.

7
Dr. W. O. Trogdon, page 2

In Open Records Decision Nos. 55A and 64 (1975) we held that while valid contracts to hold information confidential made by a university and a faculty member prior to the effective date of the Open Records Act (June 14, 1973) may be honored, the Act restricts the authority of governmental bodies to make such agreements after that date. Attorney General Opinion H-258 (1974).

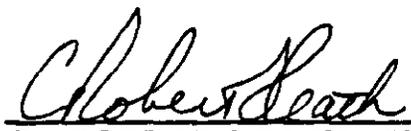
The information requested in this instance was collected after June 14, 1973, and must be disclosed.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee