



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

September 18, 1990

Mr. H. E. Flores, Ed.D.
Corpus Christi I.S.D.
P.O. Drawer 110
Corpus Christi, Texas 78403-0110

OR90-445

Dear Mr. Flores:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10541.

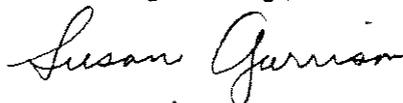
The Corpus Christi Independent School District (the district) received an open records request for the "ranking list for paraprofessionals" for the 1988-1989 school year. You state that the ranking of the district's paraprofessionals is made based on a point system using several factors such as performance, seniority, and academic preparation and is used by the district when it is necessary to reduce the district's work force. We note that each paraprofessional is advised of his or her respective ranking score. You contend that the ranking list comes under the protection of section 3(a)(2) of the Open Records Act.

The test for section 3(a)(2) protection is the same as that for information protected by common-law privacy under section 3(a)(1): to be protected from required disclosure the information must contain highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and the information must be of no legitimate concern to the public. Hubert v. Harte-Hanks Texas Newspapers, Inc., 652 S.W.2d 546, 683-85 (Tex. App. - Austin 1983, writ ref'd n.r.e.). Section 3(a)(2) was not intended to protect the type of information at issue here. See generally Attorney General Opinion JM-36 (1983) (copy enclosed). You have raised none of the act's other exceptions to required public disclosure; consequently the ranking list must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter

with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-445.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 10541
ID# 10335

Enclosure: Attorney General Opinion JM-36

cc: Susie Luna
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