



Office of the Attorney General
State of Texas

July 31, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Martha C. Wright
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OR92-434

Dear Ms. Wright:

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# 16239.

The Grand Prairie Independent School District (the "district") received an open records request for "the names of employees whose teacher's contracts were nonrenewed on March 12, 1992, and the names of employees whose two-year contracts were changed to one-year contracts on March 12, 1992." You contend that the requested information comes under the protection of common-law privacy and thus must be withheld pursuant to section 3(a)(2) of the Open Records Act.

Section 3(a)(2) is designed to protect public employees' personal privacy. The scope of section 3(a)(2) protection, however, is very narrow. *See* Open Records Decision Nos. 336 (1982); 257 (1980) (enclosed). 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, 550 (Tex. App.--Austin 1983, writ ref'd n.r.e.). The information at issue pertains solely to district employees' status as public servants, and as such cannot be deemed to be outside the realm of public interest. Section 3(a)(2) was not intended to protect this type of information. The district therefore must release the requested information.

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 OR92-434.

Yours very truly,



Kimberly K. Oltrogge
Assistant Attorney General
Opinion Committee

KKO/RWP/lmm

Ref.: ID# 16239
OR92-244

cc: Ms. Sandy Kitten
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