



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 18, 1992

Mr. Ray Rike  
Assistant District Attorney  
Tarrant County  
Justice Center  
401 W. Belknap  
Fort Worth, Texas 76196-0201

OR92-697

Dear Mr. Rike:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), V.T.C.S. article 6252-17a. Your request was assigned ID# 17621.

The Director of Personnel of Tarrant County (the "county") has received a request for various documents pertaining to a position at the Tarrant County Convention Center, including "applications and resumes of the qualified applicants for the 'Event Coordinator' position." Based on your assertions, we understand that the requestor has received or will receive all documents requested, some with redactions,<sup>1</sup> and that the only matter to be resolved pertains to one particular applicant's application and accompanying resume and cover letter. The applicant objects to the release of this information in its entirety. You state that the requestor does not object to the redaction of the following information from the application, resume and cover letter at issue: applicant's mailing address, home and work telephone numbers, social security number, driver's license number, starting and final or current salary information, reasons for leaving former places of employment, and former employers' names, addresses and telephone numbers.<sup>2</sup> You assert that the individual's application, resume and cover letter with those redactions are excepted from required public disclosure under section 3(a)(1) of the act.

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<sup>1</sup>We understand that the following information has been deleted by your office with the requestor's consent: applicant's mailing address, home and work telephone numbers, social security number, starting and final or current salary information, and reasons for leaving former employment. We also understand that the requestor does not object to the withholding of applicants' driver's license numbers and former employers' names, addresses and telephone numbers, and that this information also has been deleted. We express no opinion as to whether this information is protected under the act.

<sup>2</sup>We express no opinion as to whether this information is protected under the act.

Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." V.T.C.S. art. 6252-17a, § 3(a)(1). The Texas Supreme Court has held that two kinds of privacy interests -- constitutional<sup>3</sup> and common-law -- are protected by section 3(a)(1) of the act. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In order to be excepted under the doctrine of common-law privacy, the information at issue must contain highly intimate or embarrassing facts, the release of which would be highly objectionable to a reasonable person, and the information must be of no legitimate concern to the public. *Id.* at 685. Applications for public employment are not generally excepted under the act. *See generally* Open Records Decision Nos. 277 (applicant's formal education, licenses and certificates, employment experience, professional awards and recognition, and membership in professional organizations are not excepted from required public disclosure), 264 (1981) (names, addresses, and qualifications of applicants for city director of public safety are not excepted from required public disclosure); .

We have reviewed the requested information with the redactions to which the requestor has consented. No information contained on the redacted application, resume or cover letter may be characterized as highly intimate or embarrassing. Consequently, the information at issue is not protected by common-law privacy, as incorporated into section 3(a)(1) of the act. Therefore, the application, resume and cover letter, with the redactions discussed above, must be disclosed to the requestor.

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 OR92-697.

Yours very truly,



Mary R. Crouter  
Assistant Attorney General  
Opinion Committee

MRC/HJ/lmm

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<sup>3</sup>Constitutional privacy protects information from disclosure only if it is within "zones" of privacy, *i.e.*, information relating to marriage, procreation, contraception, family relationships, child bearing, or education. Open Records Decision No. 257 (1980) (citing *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 678-79 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977)). None of the information you have asked us to review raises constitutional privacy concerns.

Ref.: ID#s 17621, 17626  
ID#s 17709, 17801

Enclosure: Submitted documents

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