



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 28, 1995

Mr. J. Robert Giddings  
Office of General Counsel  
University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2981

OR95-846

Dear Mr. Giddings:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31723.

The University of Texas at El Paso (the "university") received an open records request from an attorney for the personnel records of a former university employee.<sup>1</sup> You state that the university "has decided to tender a copy of the personnel file of the former employee with certain materials deleted in accordance with" Open Records Decision No. 600 (1992).<sup>2</sup> You inquire whether the university must withhold other information contained in the personnel file under common-law privacy as incorporated into section 552.101 of the Government Code.

We have reviewed a portion of the records submitted to this office and conclude that portions of the documents must be withheld under section 552.101. *See generally Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85

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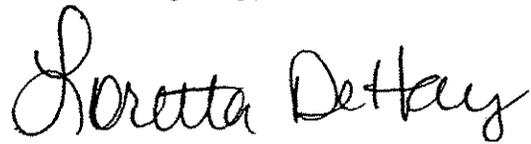
<sup>1</sup>It is not apparent to this office that the requestor is making the open records request on behalf of the former employee. For purposes of this decision we assume that such is not the case.

<sup>2</sup>Please note that this office has overruled its conclusion Open Records Decision No. 600 (1992) that public employees' personnel and performance evaluations are excepted from public disclosure under section 552.111 of the Government Code. *See* Open Records Decision No. 615 (1993). If the university has not already released these types of records from the former employee's file, it must do so at this time.

(Tex. 1976), *cert. denied*, 430 U.S. 931 (1977); *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied). We have marked the portions of several documents to indicate the types of information the university must withhold from the remainder of the submitted records. The university must release the remaining information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/RWP/rho

Ref.: ID# 31723

Enclosures: Marked documents

cc: Ms. Holly H. Gotcher  
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(w/o enclosures)