



March 9, 1999

Dr. Douglas E. Moore
Superintendent
Sealy Independent School District
939 West Street
Sealy, Texas 77474

OR99-0659

Dear Dr. Moore:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122659.

The Sealy Independent School District ("Sealy") received a request for grievances filed by four named individuals. You assert that the responsive records are excepted from disclosure under section 552.102(a) of the Government Code, which provides, in part, that information is protected from disclosure "if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." You submitted the responsive records to this office for review.

The test to determine whether information is private and excepted from disclosure under privacy as protected by section 552.102, is whether the information is (1) highly intimate or embarrassing to a reasonable person, and (2) of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977); *Hubert v. Harte-Hanks Texas Newspapers Inc.*, 652 S.W.2d 546 (Tex. App.-Austin 1983, writ ref'd n.r.e.). The records at issue concern some matters discussed in public meetings and also information concerning public employees and their work.¹ This type of information is of legitimate public interest and may not be withheld from disclosure. Open Records Decision Nos. 470 at 4 (1987) (public has legitimate interest in job performance of

¹We note that in Open Records Decision No. 579 at 7 (1990), this office stated that the purpose of the Open Records Act "is best served by the disclosure of even doubtful information, even if embarrassing, if it relates to the conduct of the public's affairs." See *id.* at 3-8 (section 552.101 does not incorporate the tort of false light privacy, overruling prior decisions to the contrary).

public employees), 423 at 2 (1984) (scope of public employee privacy is narrow). The records at issue must be released.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 122659

Enclosures: Submitted documents

cc: Mr. Billy Drago
Sealy News
P.O. Drawer 480
Sealy, Texas 77474
(w/o enclosures)