



November 18, 1999

Ms. Sandra C. Houston  
General Counsel  
Arlington Independent School District  
1203 West Pioneer Parkway  
Arlington, Texas 76013-6246

OR99-3322

Dear Ms. Houston:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129582.

Arlington Independent School District ("AISD") received a request for "a listing of persons who volunteer with extra-curricular or tutoring activities dealing with [the AISD]." The requestor states that the list should include the person's name, address and zip code. You ask whether section 552.024 applies to information about AISD volunteers.

The AISD failed to submit to this office a copy of the requested information. The Act requires a governmental body that requests an attorney general decision to comply with certain procedures, including the submission of the information at issue. Gov't Code § 552.301(e)(1)(D). If a governmental body fails to comply with the Act's procedures for requesting a decision, the information is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. *Id.* § 552.302. The fact that requested information is deemed confidential by law is a compelling reason to overcome the presumption of openness. *See* Open Records Decision No. 150 (1978).

Section 552.117 reads in pertinent part as follows:

Information is excepted from [required public disclosure] if it is information that relates to the home address, home telephone number,

or social security number, or that reveals whether the following person has family members:

( 1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024[ ]

Section 552.024 of the Government Code provides procedures for “each employee or official of a governmental body and each former employee or official of a governmental body” to choose whether to allow public access to the information covered by section 552.117. We believe a volunteer for a governmental body is an individual distinct from a current or former official or employee of a governmental body. We therefore find that section 552.117 does not protect from disclosure information that concerns an individual who is merely a volunteer for AISD activities and not a former or current AISD employee or official. AISD must release the information to the requestor.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings  
Assistant Attorney General  
Open Records Division

KHH/jc

Ref.: ID# 129582

cc: Mr. Randy Westerman  
The KTVT Investigators  
10111 North Central Expressway  
Dallas, Texas 75231  
(w/o enclosures)