



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 6, 2009

Mr. Burt C. Harrison, III  
Kazen, Meurer & Pérez, L.L.P.  
P.O. Box 6237  
Laredo, Texas 78042-6237

OR2009-01573

Dear Mr. Harrison:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 334842.

The Laredo Independent School district (the "district"), which you represent, received a request for (1) sign-in sheets from specific planning period meetings, (2) a list of all district employees who have been absent more than ten days since August 15, 2008, and (3) a list of teachers employed by the district who are not fully certified to teach. You state that the district has released information responsive to items (1) and (3) to the requestor. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. You state that you have notified numerous interested third parties of this request for information and of their right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have considered the exception you claim and reviewed the submitted information.

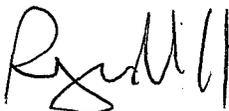
We note that an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received comments from nine of the interested parties, explaining why the submitted information should not be released. After consideration of the third party arguments we received, we conclude that none of the third parties has established the applicability of an exception to the information at issue. Information is not excepted from disclosure under the Act merely because a person asks that it be excepted; the interested third party must conclusively establish that a specific exception applies.

We next consider the exception raised by the district. You assert that the submitted information is excepted under section 552.101 of the Government Code, which excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. However, you do not cite to any specific law, and we are not aware of any such law, that makes any portion of the submitted information confidential under section 552.101. *See* Open Records Decision No. 478 at 2 (1987) (statutory confidentiality requires express language making information confidential or stating that information shall not be released to public). The submitted information is a list of district employees who have been absent from work more than ten days since August 15, 2008. This list does not contain any further information regarding the reasons why the named employees missed work. We conclude that the mere fact that an employee has been absent from work more than ten days since August 15, 2008, does not implicate the named employee's privacy rights. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976); Open Records Decision No. 444 (1986). Therefore, the district may not withhold any portion of the submitted information under section 552.101 of the Government Code. The district must release the submitted information to the requestor.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/jb

Ref: ID# 334842

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

3<sup>rd</sup> Parties  
(w/o enclosures)