



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 4, 2009

Ms. Susan K. Bohn
General Counsel
Lake Travis Independent School District
3322 Ranch Road 620 South
Austin, Texas 78738

OR2009-07670

Dear Ms. Bohn:

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#345057 (Lake Travis Request Nos. 030809-R208/DL 3660, 030809-R209/DL 3662, 030809-R221/DL 3674, 030809-R224/DL 3677, 030809-R227/DL 3680, 030809-R231/DL 3684).

The Lake Travis Independent School District (the "district") received several requests from the same requestor for the following information: (1) contact and related information for members of the district's school health advisory council; (2) documents exchanged between the district and a named district employee between June 1, 2008 and March 8, 2009 relating to her employment; (3) copies of receipts and reimbursements for four named individuals during the months of July 2008, October 2008, and January 2009; and (4) copies of any documents relating to Code 702 expenses incurred by a named individual from January 1, 2008 to December 31, 2008. You state the district has made some of the information available to the requestor, including redacted copies of the information you have submitted to our office. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.117, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, including

section 21.355 of the Education Code. Section 21.355 provides that “[a] document evaluating the performance of a teacher or administrator is confidential.” Educ. Code § 21.355. This office has interpreted this section to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. *See* Open Records Decision No. 643 (1996). In Open Records Decision No. 643, we determined that an “administrator” for purposes of section 21.355 means a person who (1) is required to, and does in fact, hold an administrator’s certificate under subchapter B of chapter 21 of the Education Code and (2) is performing the functions of an administrator, as that term is commonly defined, at the time of his or her evaluation. *See id.* You contend that the documents in Tab 2 contain an evaluation of an administrator that is confidential under section 21.355 of the Education Code. You have submitted a copy of the administrator’s Texas Educator Certificate. Based on your representations and our review of the records at issue, we agree that the information in Tab 2 evaluates the performance of an administrator and is subject to section 21.355 of the Education Code. Accordingly, the district must withhold the information in Tab 2 under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code.

You raise section 552.117 of the Government Code for portions of the information in Tab 4. Section 552.117(a)(1) excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. Whether a particular piece of information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). You inform us that the employees at issue timely elected confidentiality under section 552.024. Therefore, we agree that the district must withhold the information you have marked under section 552.117(a)(1) of the Government Code.

You also raise section 552.137 for portions of the information in Tab 4. Section 552.137 of the Government Code excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov’t Code § 552.137(a)-(c). The e-mail addresses that you have marked are not a type specifically excluded by section 552.137(c). Thus, unless the district receives consent for their release, the e-mail addresses you have marked must be withheld under section 552.137 of the Government Code. *See id.* § 552.137(b).

In summary, the district must withhold the administrator’s evaluation in Tab 2 under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. The district must withhold the employee personal information you have marked under section 552.117 of the Government Code. Unless the district receives consent

for their release, the district must withhold the e-mail addresses you have marked under section 552.137 of the Government Code.

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, 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,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/jb

Ref: ID# 345057

Enc. Submitted documents

c: Requestor
(w/o enclosures)