



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 16, 2009

Ms. Maureen R. M. Singleton
Attorney for Southwest Schools
Thompson & Horton LLP
711 Louisiana Street, Suite 2100
Houston, Texas 77002-2746

OR2009-08302

Dear Ms. Singleton:

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# 346916.

Southwest Schools (the "school"), which you represent, received a request for (1) the school charter, (2) the board of directors, (3) the advisory board members, (4) the charter policies and procedures, (5) a list of administrators, (6) a list of staff, and (7) a list of all employees, staff, and teachers, including their home addresses, telephone numbers, work sites, and job titles or assignments. You state you have released a portion of the requested information. You claim the home addresses and home telephone numbers are excepted from disclosure under section 552.117 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

¹While you raise section 552.024 of the Government Code in conjunction with section 552.102 of the Government Code for your argument to withhold government employees' home addresses and home telephone numbers, we understand you to raise section 552.117 of the Government Code as this is the proper exception for the substance of your argument.

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and, therefore, does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

Section 552.117(a)(1) of the Government Code excepts from disclosure the current and former home addresses and telephone numbers, social security number, 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. Gov't Code § 552.117. 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 seek to withhold the home addresses and home telephone numbers of those employees who sought to deny access to that information under section 552.024. You have provided a representative sample of documents that show several employees at issue made timely elections for confidentiality under section 552.024. The school must withhold the home addresses and home telephone numbers of those employees who timely elected confidentiality under section 552.024. The remaining information must be released.

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,



Emily Sitton
Assistant Attorney General
Open Records Division

EBS/rl

Ref: ID# 346916

Enc. Submitted documents

c: Requestor
(w/o enclosures)