



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 2, 2009

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

OR2009-09148

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# 348043 (041309-R297/DL 3750, 041309-R299/DL 3752, 041309-R310/DL 3763), and 041309-R314/DL 3767).

The Lake Travis Independent School District (the "district") received four requests from the same requestor for: (1) all documents pertaining to a specific district position, (2) all documents responsive to a previous request submitted by a named individual, (3) any and all contracts, payments, and invoices from TCG consulting, and (4) any and all contracts, payments, and invoices for legal expenses paid by the district for a specified service. You state you have redacted social security numbers pursuant to section 552.147 of the Government Code.¹ You also state you have released some of the requested information to the requestor. You claim that portions of the remaining information are excepted from disclosure under sections 552.102, 552.130, 552.136, and 552.137 of the Government Code.²

¹We note section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

²We note the requestor has agreed to the redaction of information subject to section 552.117 of the Government Code from district request number 041309-R297. Accordingly, any of this information within the submitted documents responsive to that request number is not responsive and we do not address such information.

We have considered the exceptions you claim and reviewed the submitted information, portions of which are representative samples.³

You claim that the information included within Tab 1 is excepted from disclosure under section 552.102(b) of the Government Code. Section 552.102(b) excepts from disclosure "a transcript from an institution of higher education maintained in the personnel file of a professional public school employee." Gov't Code § 552.102(b). However, you state that the information at issue consists of copies of job applicants' transcripts. You do not explain whether any of the applicants were hired by the district as public school employees. Thus, we must rule conditionally. Accordingly, if any of the applicants at issue were hired as professional public school employees, then, except for those portions of the documents that reveal the degree obtained and the courses taken, the district must withhold the transcripts maintained in those individuals' personnel files under section 552.102(b). However, to the extent that the individuals at issue were not hired as employees of the district, you have failed to establish that section 552.102(b) is applicable to these transcripts, and they may not be withheld on this basis.

Next, you raise section 552.130 of the Government Code for portions of the submitted information under Tab 2. Section 552.130 excepts from disclosure information that "relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state." *Id.* § 552.130. Upon review, we find the district must withhold the information you have marked under section 552.130.

You contend that some of the information within Tab 3 is excepted from public disclosure under section 552.136 of the Government Code. Section 552.136 provides that "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136. An access device number is one that may be used to (1) obtain money, goods, services, or another thing of value, or (2) initiate a transfer of funds other than a transfer originated solely by paper instrument, and includes an account number. *Id.* § 552.136(a). Thus, the district must withhold the bank account and routing numbers you have marked under section 552.136 of the Government Code.

Finally, you raise section 552.137 of the Government Code for the submitted e-mail addresses included in Tab 4. Section 552.137 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

³We assume that 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 that those records contain substantially different types of information than that submitted to this office.

address is of a type specifically excluded by subsection (c). *Id.* § 552.137(a)-(c). We note that an e-mail address “provided to a governmental body on a letterhead, coversheet, printed document, or other document made available to the public” is specifically excluded from the confidentiality provisions of section 552.137(a) by section 552.137(c)(4). *Id.* § 552.137(c)(4). We note that you have marked an e-mail address contained on a coversheet. Therefore, the district may not withhold this e-mail address, which we have marked for release, under section 552.137 of the Government Code. The department must withhold the remaining e-mail addresses you have marked under section 552.137.

In summary, if any of the applicants at issue were hired as professional public school employees, then, except for those portions of the documents that reveal the degree obtained and the courses taken, the district must withhold the transcripts maintained in those individuals’ personnel files under section 552.102(b). However, to the extent that the individuals at issue were not hired as employees of the district, you have failed to establish that section 552.102(b) is applicable to these transcripts, and they may not be withheld on this basis. The district must withhold the information you have marked under section 552.130 of the Government Code. The district must withhold the bank account and routing numbers you have marked under section 552.136 of the Government Code. Except where we have marked for release, the e-mail addresses you have marked must be withheld under section 552.137 of the Government Code. 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,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/rl

Ref: ID# 348043

Enc. Submitted documents

cc: Requestor
(w/o enclosures)