



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 17, 2011

Ms. Christine Badillo  
Walsh, Anderson, Brown, Gallegos, and Green, P.C.  
For the College Station Independent School District  
P.O. Box 2156  
Austin, Texas 78768

OR2011-06941

Dear Ms. Badillo:

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# 417850.

The College Station Independent School District (the "district"), which you represent, received a request for a list of people who have applied to be the next A&M Consolidated head football coach and athletic coordinator and a list of people who have been invited to interview for the job. You state the district does not maintain a list of individuals selected to interview for the position.<sup>1</sup> You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception 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. You raise section 552.101 in conjunction with the doctrine of common-law privacy, which protects information if it (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy,

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<sup>1</sup>The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Open Records Decision Nos.605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990).

both prongs of this test must be satisfied. *Id.* at 681-82. The types of information considered intimate or embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683. You seek to withhold the submitted list of applicants under common-law privacy. The submitted information pertains to the district's process for hiring a high school athletic director and head football coach, and we find this to be of legitimate public interest. *See* Open Records Decision No. 470 at 4 (1987) (public has legitimate interest in job qualifications and performance of public employees). Moreover, this office has determined an individual's name is generally not private information. *See* Open Records Decision No. 554 at 3 (1990) (stating disclosure of person's name not invasion of privacy). Thus, you have failed to demonstrate the applicability of common-law privacy to the submitted information. Consequently, the district may not withhold this information under section 552.101 of the Government Code in conjunction with common-law privacy. As you raise no further exceptions to the disclosure of this information, it 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](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, toll free at (888) 672-6787.

Sincerely,



Kate Hartfield  
Assistant Attorney General  
Open Records Division

KH/em

Ref: ID# 417850

Enc. Submitted documents

c: Requestor  
(w/o enclosures)