



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 9, 2012

Mr. Craig Radtke  
Director of Legal Affairs  
Boerne Independent School District  
123 West Johns Road  
Boerne, Texas 78006

OR2012-18127

Dear Mr. Radtke:

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# 470834.

The Boerne Independent School District (the "district") received a request for information regarding district employees for 2012-2013, including first and last name, location, position, years with the district, years with the Teacher Retirement System, salary, date of birth, and e-mail address. You state you will release most of the requested information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.102 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup> We have also considered comments submitted to this office by district employees whose personal information is at issue. See Gov't Code § 552.304 (providing that interested third party may submit written comments stating why information should or should not be released).

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v.*

---

<sup>1</sup>We 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.

*Attorney Gen. of Tex.*, 354 S.W.3d 336, 348 (Tex. 2010). Thus, under *Texas Comptroller*, section 552.102(a) is applicable to the birth date of an employee of a governmental body in a record maintained by his or her employer in an employment context. You state the submitted dates of birth are maintained by the district for administrative purposes in the employees' personnel files. Therefore, we find the district must withhold the submitted dates of birth under section 552.102(a) of the Government Code.<sup>2</sup>

The district asks this office to issue a previous determination permitting the district to withhold its employees' birth dates under section 552.102(a) of the Government Code without seeking a decision from this office. We decline to issue such a previous determination at this time. Accordingly, 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,



Kristi L. Wilkins  
Assistant Attorney General  
Open Records Division

KLW/ag

Ref: ID# 470834

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

bc: Third Parties  
(w/o enclosures)

---

<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.