



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 20, 2014

Ms. Elisabeth D. Nelson
For Lewisville Independent School District
Law Offices of Robert E. Luna, P.C.
4411 North Central Expressway
Dallas, Texas 75205

OR2014-04745

Dear Ms. Nelson:

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# 519226.

The Lewisville Independent School District (the "district"), which you represent, received a request for information pertaining to the education, professional experience, credentials and qualifications of two named employees. You state the district has released or will release some of the information. You claim some of the submitted information is excepted from disclosure under sections 552.102, 552.117, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.102(b) of the Government Code 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). This exception further provides, however, "the degree obtained or the curriculum on a transcript in the personnel file of the employee" are not excepted from disclosure. *Id.* Upon review, we agree the district must withhold the educational transcripts submitted as Exhibit B under section 552.102(b) of the Government Code, except for the information that reveals the employee's name, the degree obtained, and the courses taken.¹ See Open Records Decision No. 526 (1989) (addressing statutory predecessor).

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 has held

¹As our ruling is dispositive, we need not address your remaining arguments for this information.
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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. Attorney Gen. of Tex.*, 354 S.W.3d 336 (2010). Having reviewed the information at issue, we agree the date of birth you have marked in Exhibit C must be withheld under section 552.102(a) of the Government Code.

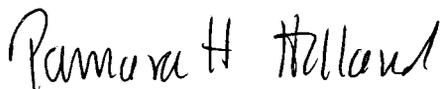
Section 552.117 of the Government Code excepts from disclosure the home address and telephone number, social security number, family member information, and emergency contract information of a former or current employee of a governmental body who timely requests this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a). To the extent the employee at issue timely elected to keep her personal information confidential, the district must withhold this information, which you have marked, under section 552.117(a)(1) of the Government Code. If the employee at issue did not make a timely election to keep this information confidential, the district may not withhold the information at issue under section 552.117(a)(1) of the Government Code.

In summary, with the exception of information that reveals the employee's name, the degree obtained, and the courses taken, the district must withhold Exhibit B under section 552.102(b) of the Government Code. The district must withhold the date of birth you have marked in Exhibit C under section 552.102(a) of the Government Code. To the extent the employee at issue timely elected to keep her personal information confidential, the district must withhold the information you marked in Exhibit C under section 552.117(a)(1) of the Government Code. The district must release the remaining information.

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.texasattorneygeneral.gov/open_orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/ac

Ref: ID# 519226

Enc. Submitted documents

c: Requestor
(w/o enclosures)