



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 18, 2014

Mr. Jeffrey R. Crownover
Counsel for Greenville Independent School District
Walsh, Anderson, Gallegos, Green and Treviño, P.C.
P.O. Box 168046
Irving, Texas 75016-8046

OR2014-10526

Dear Mr. Crownover:

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# 526221.

The Greenville Independent School District (the "district"), which you represent, received a request for ten categories of information regarding the "Bond Steering Committee" during a specified time period, including the names or contact information of committee members.¹ While the district asserts the requested information is excepted from public disclosure under sections 552.101 through 552.148 of the Government Code, you have made no arguments to support these exceptions. Therefore, we assume you have withdrawn your claim these sections apply to the submitted information. *See* Gov't Code §§ 552.301, .302. You indicate the district has notified two third parties of the request pursuant to section 552.304 of the Government Code.² *See* Gov't Code § 552.304 (interested party may submit comments

¹We note the district sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

²As of the date of this letter, we have not received comments from any interested party.

stating why information should or should not be released). We have reviewed the submitted information.

Initially, we note you have submitted only information pertaining to one of the ten categories of the clarified request. To the extent any information responsive to the remainder of the request existed on the date the district received the request, we assume the district has released it. If the district has not released any such information, it must do so at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, we note you have redacted portions of the submitted information. Pursuant to section 552.301 of the Government Code, a governmental body that seeks to withhold requested information must submit to this office a copy of the information, labeled to indicate which exceptions apply to which parts of the copy, unless the governmental body has received a previous determination for the information at issue. *See id.* § 552.301(a), (e)(1)(D). In this instance, we are unable to discern the nature of the redacted information. You do not assert, nor does our review of our records indicate, the district has been authorized to withhold the redacted information without seeking a ruling from this office. *Id.* § 552.301(a); Open Records Decision No. 673 (2000). As such, this information must be submitted in a manner that enables this office to determine whether the information comes within the scope of an exception to disclosure. Therefore, the district has failed to comply with section 552.301 of the Government Code as to this information, and this information is presumed public under section 552.302. Accordingly, the district must release the redacted information to the extent it is responsive to the request for information. If you believe the redacted information is confidential and may not lawfully be released, you must challenge this ruling in court pursuant to section 552.324 of the Government Code.

We note some of the submitted information may be subject to section 552.1175 of the Government Code.³ Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, social security number, date of birth, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. *See id.* § 552.1175. Section 552.1175 applies, in part, to “federal judges and state judges as defined by Section 13.0021, Election Code.” *Id.* § 552.1175(a)(10). Upon review, we find the district must withhold the information we have marked under section 552.1175 if the individual to whom this information pertains is currently a state judge and elects to restrict access to his information in accordance with section 552.1175(b) of the Government Code. However, the district may not withhold the

³The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

information we have marked under section 552.1175 if the individual is not currently a state judge or no election is made.

In summary, the district must withhold the information we have marked under section 552.1175 if the individual to whom this information pertains is currently a state judge and elects to restrict access to his information in accordance with section 552.1175(b) of the Government Code. The district must release the redacted information to the extent it is responsive to the request for information. 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.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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 526221

Enc. Submitted documents

c: Requestor
(w/o enclosures)