



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 27, 2014

Mr. Lynn Thornton
Officer for Public Information or Designee
Amarillo College
P.O. Box 447
Amarillo, Texas 79178

OR2014-19287

Dear Mr. Thornton:

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# 541095.

Amarillo College (the "college") received a request for the names of candidates who applied for the position of president. You state you have released some information. You claim the submitted information is excepted from disclosure under section 552.123 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.123 of the Government Code excepts from required public disclosure:

The name of an applicant for the position of chief executive officer of an institution of higher education, and other information that would tend to identify the applicant, . . . except that the governing body of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or vote is to be taken on the employment of the person.

Gov't Code § 552.123. Section 552.123 permits the withholding of *any* identifying information about the candidates, not just their names. Open Records Decision No. 540 (1990). Examples of information identifying individuals might include, but are not limited to, resumes, professional qualifications, membership in professional organizations, dates of

birth, current positions, publications, letters of recommendation, or any other information that can be uniquely associated with a particular applicant. *Id.* at 4. In addition, the exception protects the identities of all persons being considered for the position of university chief executive officer, whether they are nominated or apply on their own initiative. *Id.* at 5.

The college is an "institution of higher education" as defined by section 61.003(8) of the Texas Education Code. *See* Educ. Code § 61.003(6), (8). Additionally, we understand the president is the "chief executive officer" of the college. The submitted information contains the identifying information of candidates for the position of president of the college. You also state the college has given public notice of the name of the finalist being considered for the position at least 21 days before the date the final vote on the employment of the person was to be taken. Based on your representations and our review of the submitted information, we conclude the college must withhold the submitted information under section 552.123 of the Government Code.

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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 541095

Enc. Submitted documents

c: Requestor
(w/o enclosures)