



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 15, 2015

Ms. Lauren M. Wood
Counsel for the Collin County Community College District
Abernathy, Roeder, Boyd & Joplin, P.C.
P.O.Box 1210
McKinney, Texas 75070-1210

OR2015-07332

Dear Ms. Wood:

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# 560341.

The Collin County Community College District (the "college"), which you represent, received a request for the list of applicants being interviewed for the college president position.¹ You claim the submitted information is excepted from disclosure under sections 552.101 and 552.123 of the Government Code. You also state, and provide documentation showing, you notified the applicants whose information has been requested of the request and of their rights to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.304 (interested party may submit

¹You state the college 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 overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

written comments regarding availability of requested information). We have considered the exceptions 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.

Id. § 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) (construing statutory predecessor to section 552.123). 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 Education Code. Educ. Code § 61.003(8). Additionally, you state the president is the “chief executive officer” of the college. The submitted information consists of resumes and curricula vitae of candidates for the position of president of the college. You also indicate the college will give public notice of the name or names of the finalists being considered for the position at least 21 days before the date the final vote on the employment of the person is 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.²

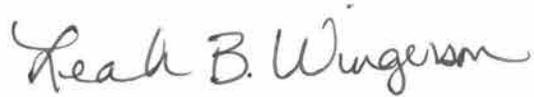
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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/>

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

[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,

A handwritten signature in black ink that reads "Leah B. Wingerson". The signature is written in a cursive style with a small dot above the letter 'i' in "Wingerson".

Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/bhf

Ref: ID# 560341

Enc. Submitted documents

c: Requestor
(w/o enclosures)

7 Third Parties
(w/o enclosures)