



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 4, 2015

Mr. Darren Gibson
Counsel for Southside Independent School District
O'Hanlon, McCollom, & Demerath
808 West Avenue
Austin, Texas 78701

OR2015-25382

Dear Mr. Gibson:

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# 589331.

The Southside Independent School District (the "district"), which you represent, received a request for a list of applicants for the district's superintendent position, to include their current position and city of residence, and a list of applicants who were formally interviewed for the position. The district claims the submitted information is excepted from disclosure under section 552.126 of the Government Code. We have considered the exception the district claims and reviewed the submitted information.

Section 552.126 of the Government Code excepts from disclosure the "name of an applicant for the position of superintendent of a public school district . . . except that the board of trustees must give public notice of the name or names of the finalists being considered for the position at least 21 days" before a vote or final action is taken. Gov't Code § 552.126. Furthermore, this protection from disclosure extends not only to the name of the individual, but also to any information tending to identify the individual. *See* Open Records Decision No. 540 (1990) (interpreting section 552.123—which, in language similar to section 552.126, protects identities of applicants for chief executive officer of institution of higher education—as applying to identities, rather than just names of applicants). This office has previously held the type of information that identifies individuals in such cases includes, but is 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.

The district states the submitted information consists of information pertaining to the applicants for the district's superintendent position. Accordingly, the district seeks to withhold the submitted information in its entirety under section 552.126 of the Government Code. However, the district states prior to the date of the instant request, the district's board of trustees named a lone finalist for the position. Thus, the district may not withhold the information that identifies or tends to identify the lone finalist. However, based on the district's representations and our review, we agree the remaining information identifies particular candidates for the position of superintendent. Therefore, with the exception of the information pertaining to the lone finalist, the district must withhold the submitted information under section 552.126 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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/som

Ref: ID# 589331

Enc. Submitted documents

c: Requestor
(w/o enclosures)