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ATTORNEY GENERAL OF TEXAS

April 11, 2016

Mr. Darin Darby
Counsel for the Edgewood Independent School District
Escamilla & Poneck, LLP
700 North St. Mary's Street, Suite 850
San Antonio, Texas 78205

OR2016-08002

Dear Mr. Darby:

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# 606179.

The Edgewood Independent School District (the "district"), which you represent, received a request for information pertaining to specified employees. The district states it will withhold information under sections 552.024 and 552.147 of the Government Code.¹ The district also states it has provided some of the requested information to the requestor, but claims the submitted information is excepted from disclosure under sections 552.101 and 552.102 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

¹Section 552.024(c)(2) of the Government Code authorizes a governmental body to redact information protected by section 552.117(a)(1) of the Government Code without the necessity of requesting a decision under the Act if the current or former employee or official to whom the information pertains timely chooses not to allow public access to the information. *See* Gov't Code § 552.024(c)(2). Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. *See id.* § 552.147(b).

The submitted information contains a DD-214 form that is subject to section 552.140 of the Government Code.² Section 552.140 provides a military veteran's DD-214 form or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003, is confidential for a period of seventy-five years and may only be disclosed in accordance with section 552.140 or in accordance with a court order. *See* Gov't Code § 552.140(a), (b). It appears the district obtained the submitted DD-214 form after September 1, 2003. Therefore, the district must withhold the submitted DD-214 form, which we have marked, under section 552.140 of the Government Code.³

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[.]" *Id.* § 552.102(b). This exception further provides, however, that "the degree obtained or the curriculum on a transcript in the personnel file of the employee" are not excepted from disclosure. *Id.* The remaining information contains transcripts of district employees, which we have marked. Thus, with the exception of the information that reveals the employees' names, the degrees obtained, and the courses taken, which the district must release, the district must withhold the information we have marked under section 552.102(b) of the Government Code.⁴ *See* Open Records Decision No. 526 (1989) (addressing statutory predecessor). However, the remaining information does not consist of a higher education transcript of a professional public school employee. Consequently, the district may not withhold any of the remaining information under section 552.102(b) of the Government Code.

To conclude, the district must withhold the information we have marked under section 552.140 of the Government Code. With the exception of the information that reveals the employees' names, the degrees obtained, and the courses taken, which the district must release, the district must withhold the information we have marked under section 552.102(b) 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.

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision Nos. 481 at 2 (1987), 480 at 5 (1987).

³As our ruling is dispositive, we do not address the arguments of the district to withhold this information.

⁴As our ruling is dispositive, we do not address the other arguments of the district to withhold this information.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bhf

Ref: ID# 606179

Enc. Submitted documents

c: Requestor
(w/o enclosures)