



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 23, 2016

Mr. Rusty Meurer  
Counsel for the Laredo Community College  
Kazen, Meurer, & Pérez, L.L.P.  
211 Calle Del Norte, Suite 100  
Laredo, Texas 78041

OR2016-14339

Dear Mr. Meurer:

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# 616847.

The Laredo Community College (the "college"), which you represent, received a request for the list of applicants for the college president position. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.123 of the Government Code. You also state you notified the applicants 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 written comments regarding availability of requested information). We have considered the exceptions you claim and reviewed the submitted information. We have also received comments from the requestor. *See id.*

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.

You state the president is the “chief executive officer” of the college. You also state 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.<sup>1</sup>

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](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,



Lee Seidlits  
Assistant Attorney General  
Open Records Division

CLS/bw

Ref: ID# 616847

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.