



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 5, 2016

Ms. Sabrina E. Fernandez
Public Information Unit
Katy Independent School District
6301 South Stadium Lane
Katy, Texas 77494

OR2016-15180

Dear Ms. Fernandez:

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# 620109 (PIR# 15412_40_Herrera).

The Katy Independent School District (the "district") received a request for school board member e-mails on the topic of school board action to postpone the approval of employee contracts.¹ You state the district has released some responsive information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

¹As you have not submitted a copy of the original request for information, we take our description of the request from your brief. You inform us the district received a deposit pursuant to section 552.263 of the Government Code on May 9, 2016. *See* Gov't Code § 552.263(e) (if governmental body requires deposit or bond for anticipated costs pursuant to section 552.263, request for information is considered to have been received on date governmental body receives bond or deposit).

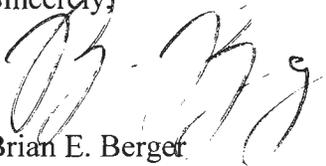
²We note the district failed to comply with its procedural obligations under the Act. *See* Gov't Code § 552.301(e)(1)(B) (A governmental body must submit to the attorney general a copy of the written request for information not later than the fifteenth business day after the date of receiving the written request). However, because section 552.101 of the Government Code can provide a compelling reason to withhold information, we will address the applicability of this exception to the information at issue. *Id.* § 552.302.

You assert the submitted information is confidential under section 551.074 of the Government Code. Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses information protected by other statutes. Section 551.074 allows a governmental body to conduct certain deliberations about employees in an executive session. *See id.* § 551.074. However, this provision does not make information confidential for purposes of section 552.101 of the Government Code. *See* Open Records Decision No. 478 (1987) (as general rule, statutory confidentiality requires express language making information confidential). Thus, the district may not withhold any of the submitted information under section 552.101 in conjunction with section 551.074 of the Government Code. As you raise no further exceptions against disclosure, the submitted information must be released.

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,



Brian E. Berget
Assistant Attorney General
Open Records Division

BB/akg

Ref: ID# 620109

Enc. Submitted documents

c: Requestor
(w/o enclosures)