



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL  
ATTORNEY GENERAL

The Honorable Elliott T. Bowers  
President  
Sam Houston State University  
Huntsville, Texas 77340

Open Records Decision No. 91

Re: Availability of personnel  
records to employee

Dear Dr. Bowers:

A University employee has requested a statement as to the procedure by which the decision to fire him may be appealed; a copy of minutes of the Athletic Council meeting at which the vote was taken to fire him; and a written statement as to the reasons for being fired. Section 3(a)(2) of the Act makes information in an employee's personnel file available to that employee.

You have forwarded to us copies of minutes of the Council meetings of February 21, 1975, and March 19, 1975, and two memoranda concerning reasons for the termination of the employment relationship. You ask for our "determination on what information included in the enclosures should be released to" the requestor. You cite no exception which you have determined to be applicable.

The Open Records Act, article 6252-17a, makes all information collected, assembled, or maintained by a governmental body public unless it is excepted as provided in section 3(a). In regard to the request for procedures to appeal a decision, section 6(a)(8) specifically makes this information public. We have said that section 3(a)(2), concerning personnel records, "should be read broadly to include all information relevant to the individual's employment relationship." Open Records Decision No. 31 (1974). More specifically, we have said that:

. . . anything bearing upon . . . separation from employment would constitute information relevant to the individual's employment relationship and be part of a person's personnel file.  
Open Records Decision No. 55 (1974).

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We have also said that minutes are the recordation of the transaction of official business and are the very sort of materials intended to be made public by the Open Records Act. Open Records Decision No. 60 (1974).

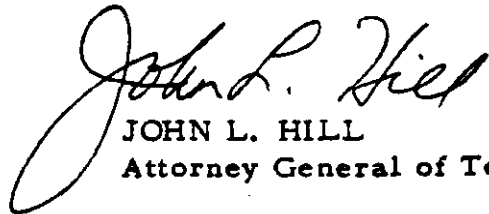
In response to your request as to what information should be released, we have no basis on which to say that any of the requested information is excepted from disclosure and thus all of it should be released to the individual whose "personnel record" it is. We note that the third page of the memorandum dated March 24, 1975, from Mr. Tidwell to you, deals with the termination of employment of individuals other than the requestor, is outside the scope of the request, and thus should not be disclosed to this requestor.

We call your attention to the procedure requirements of section 7(a) of the Act. This procedure clearly contemplates that the governmental body receiving a request must make an initial determination as to whether specific information is excepted by some specific exception in section 3(a). Attorney General Opinions H-90 (1973), H-249 (1974). Only after such a determination has been made is there an issue to be decided by this office under section 7(a). The Act makes all information public unless excepted, thus we have said:

The Act is clearly structured to require the agency to bear the burden of establishing that requested information falls within an exception. Attorney General Opinion H-436 (1974).

Forwarding a request to this office within ten days, but without a statement that a particular exception is believed to be applicable and why, does not comport with the procedural requirements of section 7(a).

Very truly yours,



JOHN L. HILL  
Attorney General of Texas

APPROVED:

A handwritten signature in cursive script, appearing to read "David M. Kendall".

DAVID M. KENDALL, First Assistant

A handwritten signature in cursive script, appearing to read "C. Robert Heath".

C. ROBERT HEATH, Chairman  
Opinion Committee