



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 23, 2017

Ms. Karla Schultz
Counsel for the Navasota Independent School District
Walsh Gallegos Trevino Russo & Kyle P.C.
P. O. Box 2156
Austin, Texas 78768

OR2017-01437

Dear Ms. Schultz:

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# 642384.

The Navasota Independent School District (the "district"), which you represent, received a request for all applications for the district's superintendent position. You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.126, and 552.137 of the Government Code. We have considered the exceptions you claim 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.

You state the submitted information consists of the applications, including resumes and related materials, of the persons who applied for the superintendent position. You inform us, at the time of the district's receipt of the instant request, the district had not selected finalists for the superintendent position. Thus, based on these representations and our review, we agree the submitted information identifies particular candidates for the position of superintendent. Therefore, the district must withhold the submitted information in its entirety under section 552.126 of the Government Code.¹

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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/eb

Ref: ID# 642384

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure.