



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 24, 2017

Mr. W. Clayton Cain  
Counsel for the Victoria Independent School District  
Cullen, Carsner, Seerden & Cullen, LLP  
P.O. Box 2938  
Victoria, Texas 77902-2938

OR2017-04086

Dear Mr. Cain:

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# 646985.

The Victoria Independent School District (the "district"), which you represent, received two requests from different requestors for specified categories of information pertaining to full-time district employees. You state you are releasing some information to the requestors. You claim the dates of birth of full-time district employees are excepted from disclosure under sections 552.101 and 552.102 of the Government Code.<sup>1</sup> We have considered the exceptions you claim.

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). Upon review, we find the district

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<sup>1</sup> Although you also raise section 552.101 of the Government Code in conjunction with section 552.102 of the Government Code, this office has concluded section 552.101 does not encompass other exceptions found in the Act. See Open Records Decision No. 676 at 1-2 (2002).

must withhold the requested dates of birth of full-time district employees under section 552.102(a) of the Government Code.<sup>2</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,



Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/bw

Ref: ID# 646985

c: 2 Requestors

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<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.