



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 10, 2017

Mr. W. Montgomery Meitler
Senior Counsel
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

OR2017-07498

Dear Mr. Meitler:

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# 653306 (TEA PIR# 28849).

The Texas Education Agency (the "agency") received a request for information pertaining to a named individual. You state the agency will release some information. You state the agency will withhold a social security number pursuant to section 552.147(b) of the Government Code and a date of birth of a public citizen pursuant to Open Records Letter No. 2016-04398 (2016).¹ You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 21.048 of the Education Code, which addresses teacher certification examinations. Section 21.048(c-1) provides the following:

¹Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number without the necessity of requesting a decision from this office. *See* Gov't Code § 552.147(b). Open Records Decision No. 2016-04398 allows the agency to withhold the dates of birth of public citizens under section 552.101 of the Government Code in conjunction with common-law privacy without seeking a ruling from this office. *See* Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301 (a) of the Government Code).

The results of an examination administered under this section are confidential and are not subject to disclosure under [the Act], unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by section 21.057.

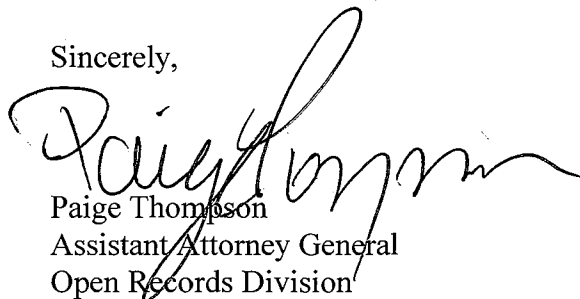
Educ. Code § 21.048(c-1). Upon review, we find the information you have marked consists of or reveals teacher certification examination results. You state the information at issue does not constitute notification to a parent of the assignment of an uncertified teacher to a classroom. Therefore, the agency must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 21.048(c-1) of the Education Code. The remaining information must be released.

Finally, although you ask this office to issue a previous determination permitting the agency to withhold information under section 552.101 of the Government Code in conjunction with section 21.048(c-1) of the Education Code without requesting a decision from this office, we note in Open Records Letter No. 2017-05066 (2017) this office already issued a previous determination to the agency authorizing it to withhold the results of examinations administered under section 21.048 of the Education Code under section 552.101 of the Government Code in conjunction with section 21.048(c-1) of the Education Code without requesting a decision from this office. *See id.* § 552.301(a) (allowing governmental body to withhold information subject to previous determination); ORD 673.

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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/eb

Ref: ID# 653306

Enc. Submitted documents

c: Requestor
(w/o enclosures)