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ATTORNEY GENERAL OF TEXAS

August 3, 2017

Mr. John A. Kazen
Counsel for Laredo Independent School District
Kazen, Meurer & Perez, LLP
211 Calle Del Norte, Suite 100
Laredo, Texas 78041

OR2017-17479

Dear Mr. Kazen:

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# 669619.

The Laredo Independent School District (the "district"), which you represent, received a request for the list of the search firms the district is considering to use, and the names of the candidates who applied for the district's superintendent position. You claim the submitted information is excepted from disclosure under section 552.126 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have not submitted any requested information pertaining to the list of search firms that the district is considering to use. Therefore, to the extent this information existed on the date the district received the request, we assume you have released it to the requestor. *See* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

¹Although the district also raises sections 552.101 and 552.110 of the Government Code, the district has not provided any arguments to support these exceptions. Therefore, we assume the district has withdrawn its claim these sections apply to the submitted information. *See* Gov't Code §§ 552.301, .302.

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 a list of applicants for the district’s superintendent position. We understand at the time of the district’s receipt of the instant request that 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 under section 552.126 of the Government Code.

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,



D. Michelle Case
Attorney
Open Records Division

DMC/sdk

Ref: ID# 669619

Enc. Submitted documents

c: Requestor
(w/o enclosures)