



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 15, 2017

Ms. Sandra D. Carpenter
General Counsel
Round Rock Independent School District
1311 Round Rock Avenue
Round Rock, Texas 78681

OR2017-18567

Dear Ms. Carpenter:

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# 670939 (District Ref. No. TPIA 2017-231).

The Round Rock Independent School District (the "district") received a request for campaign finance reports for seven district trustees, including original filings and revisions.¹ You state the district has released some information. You claim some of the submitted information is

¹The district sought and received clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

excepted from disclosure under section 552.117 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

The submitted information is subject to section 1.012 of the Election Code, which provides as follows:

(a) Subject to Subsection (b), an election record that is public information shall be made available to the public during the regular business hours of the record's custodian.

...

(c) Except as otherwise provided by this code or [the Act], all election records are public information.

(d) In this code, "election record" includes:

(1) anything distributed or received by government under this code;

...

(3) a certificate, application, notice, report, or other document or paper issued or received by government under this code.

Elec. Code § 1.012(a), (c), (d)(1), (d)(3). Campaign contribution and finance reports must be filed under the Election Code. *See id.* §§ 254.031, .061, .091. Thus, the submitted campaign finance reports constitute "election record[s]" and are public information subject to disclosure, except as provided by the Act. *See id.* § 1.012(a), (c). Accordingly, we will address the district's argument against disclosure.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home addresses and telephone numbers, social security numbers, emergency contact information, and family

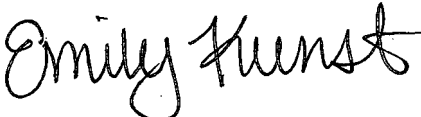
²Initially, we note, based on the district's markings, we understand it raises section 552.101 of the Government Code in conjunction with section 254.04011 of the Election Code. However, the district has failed to provide any arguments explaining how this section 254.04011 is applicable to the information at issue. Therefore, we assume the district no longer asserts section 254.04011. *See Gov't Code* §§ 552.301, .302. We note, although the district raises section 552.022 of the Government Code as an exception to disclosure, section 552.022 acts to make certain information public, and is not an exception to disclosure. Further, although you raise section 552.024 of the Government Code as an exception to disclosure, section 552.117 of the Government Code is the proper exception for the substance of your argument. Section 552.024 authorizes a government body to withhold information subject to section 552.117 without requesting a decision from this office if the current or former employee of official timely chooses not to allow public access to the information at issue.

member information of current or former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. See Gov't Code § 552.117(a); Open Records Decision No. 622 (1994). However, section 552.117 applies only to records that a governmental body holds in an employment capacity. See Open Record Decision Nos. 532 (1989) (purpose of predecessor to section 552.117 is to protect certain information during and after employment relationship), 530 (1989) (discussing interplay between sections 552.024 and 552.117), 455 (1987). The information at issue constitutes election records the district maintains in accordance with the Election Code, and not in an employment capacity. Thus, the district may not withhold any of the submitted information under section 552.117(a)(1) of the Government Code. Accordingly, the district must release the submitted information.

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,



Emily Kunst
Attorney
Open Records Division

EK/eb

Ref: ID# 670939

Enc. Submitted documents

c: Requestor
(w/o enclosures)