



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 14, 2017

Ms. Blaire B. Craven
Counsel for the Carthage Independent School District
Karczewski Bradshaw L.L.P.
315 North Church Street
Nacogdoches, Texas 75961-5001

OR2017-26022

Dear Ms. Craven:

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# 683875.

The Carthage Independent School District (the "district"), which you represent, received a request for several categories of information pertaining to the district's Guardian Program. You state you have released some information. You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.108, and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

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 information protected by other statutes, such as section 37.108 of the Education Code, which provides, in part:

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

(c-1) Except as provided by Subsection (c-2), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (b) is not subject to disclosure under [the Act].

Educ. Code § 37.108(b), (c-1). You inform us some of the submitted information was developed, collected, or produced during a safety and security audit conducted under section 37.108(b). *See id.* § 37.108(b). You state none of the exceptions in subsection (c-2) are applicable to the information at issue. *See id.* § 37.108(c-2) (listing types of documents relating to district's multihazard emergency operations plan that are subject to disclosure). Based on your representations and our review, we conclude the district must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 37.108(c-1) of the Education Code.²

Section 552.101 of the Government Code also encompasses section 1701.260 of the Occupations Code, which provides, in relevant part, as follows:

(a) The [Texas Commission on Law Enforcement ("TCOLE")] shall establish and maintain a training program open to any employee of a school district, open-enrollment charter school, private school, or public junior college who holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code. The training may be conducted only by the [TCOLE] staff or a provider approved by the [TCOLE].

(b) The [TCOLE] shall collect from each person who participates in the training program identifying information that includes the person's name, the person's date of birth, the license number of the license issued to the person under Subchapter H, Chapter 411, Government Code, and the address of the person's place of employment.

(l) All information collected or submitted under this section is confidential, except as provided by Subsection (j), and is not subject to disclosure under Chapter 552, Government Code.

²As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

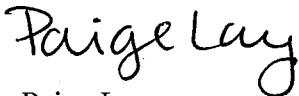
Occ. Code § 1701.260(a), (b), (l). You assert the remaining information is identifying information for the purposes of section 1701.260. However, upon review, we find you have failed to demonstrate this information consists of the identifying information collected under section 1701.260. Accordingly, we conclude the district may not withhold this information under section 552.101 in conjunction with section 1701.260 of the Occupations Code.

In summary, the district must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 37.108(c-1) of the Education Code. The remaining information must be released.

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 Lay
Assistant Attorney General
Open Records Division

PL/gw

Ref: ID# 683875

Enc. Submitted documents

cc: Requestor
(w/o enclosures)