



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 5, 2019

Mr. Tanner T. Hunt  
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OR2019-14909

Dear Mr. Hunt:

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# 769051.

The Silsbee Independent School District (the "district"), which you represent, received a request for resumes submitted to the district during a specified time period for superintendent. The district claims the submitted information is excepted from disclosure under sections 552.101 and 552.126 of the Government Code. We have considered the exceptions the district claims and reviewed the submitted information.


The district claims the submitted information is excepted from disclosure under section 552.126 of the Government Code. Section 552.126 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.* The district explains prior to the date of the request, the district's board publicly announced the name of a lone finalist for the position. Thus, the district asserts the information that identifies any other candidates for the position of superintendent is excepted from disclosure under section 552.126. Based on the district's representations and our review, we agree the submitted information identifies or tends to identify particular candidates for the position of superintendent. Therefore, the district may withhold the submitted information under section 552.126 of the Government Code.<sup>1</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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/gw

Ref: ID# 769051

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted information.