



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 22, 2019

Ms. Trilby Alrgbright
Counsel for Cedar Hill Independent School District
Walsh Gallegos Trevino Russo & Kyle, P.C.
P.O. Box 168046
Irving, Texas 75016

OR2019-29790

Dear Ms. Argubright:

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# 792560 (TEA ID# 39625).

The Cedar Hill Independent School District (the "district"), which you represent, received a request for ten categories of information pertaining to a specified employee. You state you will be releasing some information to the requestor. You claim some of the submitted information is excepted from disclosure under section 552.116 of the Government Code. Additionally, you state the district notified Texas Education Agency, ("TEA") of the request for information and of the right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304(d) (interested party may submit comments stating why information should or should not be released). We have received comments from TEA. We have considered the submitted arguments and reviewed the submitted information.

Section 552.116 of the Government Code provides,

(a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, a municipality, a school district, a hospital district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public school employee, is excepted from [required public disclosure]. If information in an audit working paper is also maintained in another record, that other record is not excepted from [public disclosure] by this section.

(b) In this section:

(1) "Audit" means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, the bylaws adopted by or other action of the governing board of a hospital district, a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

(2) "Audit working paper" includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including:

(A) intra-agency and interagency communications; and

(B) drafts of the audit report or portions of those drafts.

Id. § 552.116. TEA asserts the information at issue consists of audit working papers prepared or maintained by TEA's Division of Enforcement and Support. TEA states the audit is authorized by sections 39.051, 39.052, and 39.102 of the Education Code. *See* Edu. Code §§ 39.051; *also see id.* § 552.116(b)(1). Based on these representations and our review, we agree the information at issue constitutes audit working papers. Therefore, the district may withhold the information it indicated under section 552.116 of the Government Code on behalf of TEA.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Pearlie Gault
Attorney
Open Records Division

PG/eb

Ref: ID# 792560

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)