



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 30, 2019

Ms. Frances R. Broussard
General Counsel
Spring Branch Independent School District
955 Campbell Road
Houston, Texas 77024

OR2019-30603

Dear Ms. Broussard:

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# 792655.

The Spring Branch Independent School District (the "district") received a request for eleven categories of information pertaining to district employees. You state the district will release most of the requested information. We understand the district will redact information subject to section 552.147(a-1) of the Government Code.¹ You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.102 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll

¹ The social security number of an employee of a school district in the custody of the district is confidential and may be redacted without the necessity of requesting a decision from this office. Gov't Code § 552.147(a-1), (b).

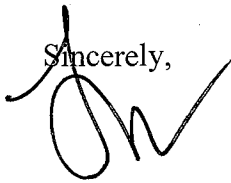
² We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

database of the Texas Comptroller of Public Accounts. *Tex. Comptroller*, 354 S.W.3d 336. Thus, under *Texas Comptroller*, section 552.102(a) is applicable to the birth date of an employee of a governmental body in a record maintained by his or her employer in an employment context. Accordingly, the district must withhold all employee dates of birth under section 552.102(a) of the Government Code.³ The district must release the remaining information.

Finally, the district asks this office to issue a previous determination that would permit it to withhold dates of birth of public citizens under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a ruling from this office. See Gov't Code § 552.301 (a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time. Accordingly, 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,



Jahna Ward
Assistant Attorney General
Open Records Division

JW/jxd

Ref: ID# 792655

c: Requestor

³ As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.