



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 4, 2020

Mr. Raul Chavarria
Superintendent of Schools
Crockett County Consolidated Common School District
P.O. Box 400
Ozona, TX 76943

OR2020-06834

Dear Mr. Chavarria:

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# 822032.

The Crockett County Consolidated Common School District (the "district") received a request for a list of all full-time employees, including name, title, primary campus, hire date, date of birth, and e-mail address. You claim some of the submitted information is excepted from disclosure under section 552.102 of the Government Code.¹ We have considered the district's argument and reviewed the submitted information.

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 has held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). The district must withhold

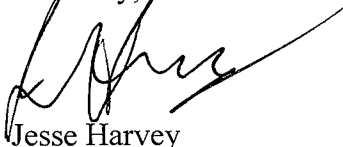
¹We note the district failed to comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See id.* § 552.301(b). Nonetheless, section 552.102 of the Government Code can provide a compelling reason to overcome the presumption of openness caused by failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will address the applicability of this exception to the submitted information, notwithstanding the district's violation of section 552.301 in requesting this decision.

the dates of birth of district employees in the submitted information under section 552.102(a) of the Government 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 <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,



Jesse Harvey
Assistant Attorney General
Open Records Division

JHI/mo

Ref: ID# 822032

Enc. Submitted documents

c: Requestor
(w/o enclosures)