



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 12, 2020

Mr. Trevor B. Hall
Counsel for the Burton Independent School District
Powell, Youngblood & Taylor, LLP
108 Wild Basin Road, Suite 100
Austin, Texas 78746

OR2020-20222

Dear Mr. Hall:

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# 839518.

The Burton Independent School District (the "district"), which you represent, received a request for eleven points of information pertaining to certain district employees, including names, titles, salaries, years of service, and dates of birth. You state the district has released some information to the requestor. You claim the requested dates of birth are excepted from disclosure under sections 552.101 and 552.102 of the Government Code. We have considered the exceptions you claim.¹

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 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). Accordingly, the district must withhold the requested dates of birth under section 552.102(a) of the Government Code.²

¹ Although in this instance we can determine the extent to which this fungible information may be excepted from disclosure, we advise the district in the future to submit for review the actual information that it seeks to protect from disclosure and for which it seeks a ruling from this office. *See* Gov't Code § § 552.301, .302.

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

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,

Blake Brennan
Assistant Attorney General
Open Records Division

BBX/mo

Ref: ID# 839518

Enc. Submitted documents

c: Requestor
(w/o enclosures)