



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

October 28, 2020

Mr. Mike Harper  
School Attorney  
Killeen Independent School District  
P.O. Box 967  
Killeen, Texas 76540-0967

OR2020-27009

Dear Mr. Harper:

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# 851487.

The Killeen Independent School District (the "district") received a request for information pertaining to specified job interview questions. The district claims the submitted information is excepted from disclosure under section 552.122 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.301 of the Government Code prescribes the procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days of receiving the written request. Gov't Code § 552.301(b). The district informs us it received the request for information on July 22, 2020, and does not state it was closed on any subsequent date. Accordingly, the district's ten-business-day deadline under section 552.301(b) to request a ruling was August 5, 2020. We note the district sought clarification from the requestor on August 7, 2020. However, because the district did not request clarification until after the ten-business-day deadline had passed, the statutory deadlines under section 552.301 were not reset by the request for clarification and must be measured from the date the district received the request. *See generally City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (after requesting clarification within ten-business-day deadline, governmental body timely submitted request for opinion within ten business days after receiving clarification). The envelope containing the request for a ruling from this office is postmarked August 25, 2020. *See Gov't Code § 552.308* (describing rules for calculating

submission dates of documents sent via first class United States mail). Therefore, the district failed to comply with the procedural requirements mandated by section 552.301.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released unless there is a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ). We find the district has failed to establish a compelling reason to address section 552.122 of the Government Code. Therefore, the district must release the submitted 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,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/jm

Ref: ID# 851487

Enc. Submitted documents

c: Requestor  
(w/o enclosures)