



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 11, 2020

Mr. Kevin Christiansen
Staff Attorney
Katy Independent School District
6301 South Stadium Lane
Katy, Texas 77494

OR2020-31124

Dear Mr. Christiansen:

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# 857579 (PIR# 20830_40).

The Katy Independent School District (the "district") received a request for the college degrees obtained by a named employee and the named employee's years of experience teaching a specified subject. You state you have no information responsive to a portion of the request.¹ You claim the submitted information is excepted from disclosure under section 552.102 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note most of the submitted information, which we indicated, is not responsive to the instant request for information because it does not consist of the college degrees obtained by a named employee. This ruling does not address the public availability of any information that is not responsive to the request and the district is not required to release such information in response to this request.

Section 552.102(b) of the Government Code excepts from public disclosure "a transcript from an institution of higher education maintained in the personnel file of a professional public school employee[.]" Gov't Code § 552.102(b). This exception further provides, however, that "the degree obtained or the curriculum on a transcript in the personnel file of

¹ The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

the employee” are not excepted from disclosure. *Id.*; *see also* Open Records Decision No. 526 (1989). The responsive information consists of the degrees obtained by the named employee. Accordingly, the district may not withhold any of the responsive information under section 552.102(b) of the Government Code. The district must release the responsive 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,

Meagan Hunter
Assistant Attorney General
Open Records Division

MH/rm

Ref: ID# 857579

Enc. Submitted documents

c: Requestor
(w/o enclosures)