



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 2, 2022

Ms. Rebecca Bradley
Counsel for the Plano Independent School District
Abernathy Roeder Boyd Hullett
1700 Redbud Boulevard, Suite 300
McKinney, Texas 75070-1210

OR2022-12408

Dear Ms. Bradley:

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# 942334 (ORR# W001274).

The Plano Independent School District (the "district"), which you represent, received two requests for the names and total number of internal applicants for a superintendent position. The district claims the submitted information is excepted from disclosure under section 552.126 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹

Initially, we note only the submitted information that reveals the name and total number of internal applicants for the superintendent position at issue are responsive to the request for information. 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 this information in response to this request.

Section 552.126 of the Government Code excepts from disclosure the "name of an applicant for the position of superintendent of a public school district . . . except that the board of trustees must give public notice of the name or names of the finalists being considered for the position at least 21 days" before a vote or final action is taken. Gov't Code § 552.126.

¹ 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.

Furthermore, this protection from disclosure extends not only to the name of the individual, but also to any information tending to identify the individual. *See* Open Records Decision No. 540 (1990) (interpreting section 552.123—which, in language similar to section 552.126, protects identities of applicants for chief executive officer of institution of higher education—as applying to identities, rather than just names of applicants). This office has previously held the type of information that identifies individuals in such cases includes, but is not limited to, resumes, professional qualifications, membership in professional organizations, dates of birth, current positions, publications, letters of recommendation, or any other information that can be uniquely associated with a particular applicant. *Id.* at 4.

The district states the submitted information identifies an individual who applied for a superintendent position. The district represents the applicant at issue was not selected as a finalist for the superintendent position. Based on these representations, we agree the district must withhold the responsive name at issue under section 552.126 of the Government Code. However, we find the district has failed to demonstrate the applicability of section 552.126 to the remaining responsive information. Therefore, the district may not withhold the remaining responsive information under section 552.126 of the Government Code. Accordingly, the district must release the remaining 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,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/be

Ref: ID# 942334

c: Requestor