



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 1, 2022

Ms. Karen Castillo
Coordinator, Records Compliance and Management
Lone Star College
5000 Research Forest Drive
The Woodlands, Texas 77381-4356

OR2022-19204

Dear Ms. Castillo:

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# 957593 (LSC File No. 22-194).

Lone Star College (the "college") received a request for information pertaining to applicants who applied for the Coordinator II, Business Operations position, to include the name of the applicant, individual candidate test scores, interview notes, and applicant evaluation matrices. The college states it has released some information to the requestor. The college claims a portion of the submitted information is excepted from disclosure under sections 552.101 of the Government Code. In addition, we understand the college will redact personal e-mail addresses under section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ We have considered the exception the college claims and reviewed the submitted information.

Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at

¹ Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of seeking a decision from this office.

683. However, this office has found the public has a legitimate interest in information relating to applicants and employees of governmental bodies and their employment qualifications and job performance. *See* Open Records Decision Nos. 562 at 10 (1990), 470 at 4 (public has legitimate interest in job qualifications and performance of public employees), 444 (1986), 423 at 2 (1984) (scope of public employee privacy is narrow). You seek to withhold the names of unsuccessful applicants within the submitted information under section 552.101 in conjunction with common law privacy. However, upon review, we find the college has not demonstrated any of the submitted information is highly intimate or embarrassing and not of legitimate public concern. Therefore, the college may not withhold any of the submitted information under section 552.101 of the Government Code on that basis. Accordingly, as you raise no other exceptions to disclosure, the college must release the submitted information to the requestor.

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,

Michael Pearle
Assistant Attorney General
Open Records Division

MAP/mo

Ref: ID# 957593

Enc. Submitted documents

c: Requestor
(w/o enclosures)