



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 23, 2022

Ms. Stacy Rush  
Director of Human Resources  
Fredericksburg Independent School District  
234 Friendship Lane  
Fredericksburg, Texas 78624

OR2022-25470

Dear Ms. Rush:

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# 965250.

The Fredericksburg Independent School District (the "district") received a request for specified categories of information related to retired former district employees.<sup>1</sup> You state the district will redact information protected by section 552.117(a)(1) of the Government Code pursuant to section 552.024(c)(2) of the Government Code.<sup>2</sup> You claim the requested list of former employees' ages is excepted from disclosure under section 552.102 of the Government Code.<sup>3</sup> We have considered the exception you claim.<sup>4</sup>

---

<sup>1</sup> As you have not submitted a copy of the request for information for our review, we take our description from your brief to our office.

<sup>2</sup> Section 552.024(c)(2) of the Government Code authorizes a governmental body to redact information protected by section 552.117(a)(1) of the Government Code without the necessity of requesting a decision under the Act if the current or former employee or official to whom the information pertains timely chooses not to allow public access to the information. *See* Gov't Code § 552.024(c)(2).

<sup>3</sup> Although you do not cite to section 552.102 of the Government Code in your brief to this office, we understand you to raise this section based on the substance of your argument.

<sup>4</sup> We note you have not submitted the requested list of former employees' ages for our review. 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 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.

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). However, upon review, we find the requested former employees’ ages alone are not subject to section 552.102(a) of the Government Code, and the district may not withhold this information on that basis. Accordingly, the district must release the requested 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,

Tim Neal  
Assistant Attorney General  
Open Records Division

TN/mo

Ref: ID# 965250

c: Requestor