PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

GBA
(LEGAL)

PUBLIC INFORMATION

"Public information" means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by the Board or for the Board and to which the Board has a right of access. *Gov't Code 552.002(a)*

AVAILABILITY

Public information is available, at a minimum, to the public during the District's normal business hours. *Gov't Code 552.021*

INFORMATION THAT MUST BE DISCLOSED

The following categories of information are public information and not excepted from required disclosure unless made confidential under Government Code Chapter 522 or other law:

1. A completed report, audit, evaluation, or investigation made of, for, or by the Board, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of the District.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public funds.
4. The name of each official and the final record of voting on all proceedings of the Board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the Board, on completion of the estimate.
6. A description of the District's organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.
7. A statement of the general course and method by which the District's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
8. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by the Board and a statement of general policy or interpretation of general applicability formulated and adopted by the Board.
10. Any amendment, revision, or repeal of the information described in items 6–9.
11. Final opinions and orders issued in adjudication of cases.

12. A policy statement or interpretation adopted or issued by the Board.
13. Administrative manuals and instructions to staff that affect a member of the public.
14. Information regarded as open to the public under the District's policies.
15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege or confidential under other law.
16. Information that is also contained in a public court record.
17. A settlement agreement to which the Board is a party.

Gov't Code 552.022

INVESTMENT INFORMATION

Certain District investment information, as specified by Government Code 552.0225, is public information and not excepted from disclosure. *Gov't Code 552.0225*

PERSONAL INFORMATION

EMPLOYEE / BOARD MEMBER

Each District employee, other than a peace officer or security officer, and Board member and each former employee and Board member shall choose whether to allow public access to District-held information relating to the person's home address, home telephone number, emergency contact information, or social security number, or any other information that reveals whether the person has family members.

Employees and Board members shall state their choice to a District's main personnel officer in a signed writing not later than the 14th day after employment begins, election or appointment to the Board occurs, or service with the District ends. If an employee or Board member fails to state his or her choice within 14 days, the information is available to the public. However, an employee or Board member may make a written request at any time to the personnel officer to open or close the information. A written request made after the 14 days does not apply to an open records request made before the option was exercised.

Gov't Code 552.024; Tex. Att'y Gen. ORD-530 (1989)

PEACE OFFICERS / SECURITY OFFICERS

EMPLOYED BY THE DISTRICT

District-held information relating to the home address, home telephone number, emergency contact information, or social security number of employees who are peace officers, or security officers commissioned by the Board of Private Investigators and Private Security Agencies, or any information that reveals whether the officer has family members, is excepted from disclosure regardless

of whether the officer chooses to restrict public access to the information under Government Code 552.024. *Gov't Code 552.117*

ALL OFFICERS

District-held information relating to the home address, home telephone number, emergency contact information, social security number, or any information that reveals whether an officer has family members, of any peace officer, security officer, or other person listed at Government Code 552.1175 is confidential by law if the officer chooses to restrict public access and notifies the District on a form provided by the District, accompanied by evidence of the officer's status. *Gov't Code 552.1175*

NOTICE TO REQUESTOR

If an employee or Board member has opted to restrict public access to his or her personal information, the District may redact the personal information from any information the District discloses without the necessity of requesting a decision from the attorney general. The District may also redact information that must be withheld under Government Code 552.1175 without requesting an attorney general decision. *Gov't Code 552.024(c), (f)*

If the District redacts information under either of these provisions, the District shall provide the information required by Government Code 552.024(c-2) and 552.1175(h) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.024(c-2), (h)*

EVALUATIONS

A document evaluating the performance of a teacher or administrator is confidential. *Education Code 21.355*

EDUCATOR CERTIFICATION EXAM

The results of an educator certification examination are confidential and are not subject to disclosure, unless:

1. The disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057; or
2. The educator has failed the examination more than five times.

Education Code 21.048(c-1)

CREDIT CARD, DEBIT CARD, CHARGE CARD, AND ACCESS DEVICE NUMBERS

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the District is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

The District may redact credit card, debit card, charge card, or access device numbers from any information the District discloses without the necessity of requesting a decision from the attorney general. The District shall provide the information required by Government Code 552.136 to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.136

E-MAIL ADDRESSES CONFIDENTIAL

An e-mail address of a member of the public that is provided for the purpose of communicating electronically with the District is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

EXCEPTIONS

This confidentiality does not apply to an e-mail address:

1. Provided to the District by a person who has a contractual relationship with the District or by the contractor's agent;
2. Provided to the District by a vendor who seeks to contract with the District or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the District in the course of negotiating the terms of a contract or potential contract;
4. Provided to the District on a letterhead, coversheet, printed document, or other document made available to the public; or
5. Provided to the District for the purpose of receiving orders or decisions from the District, or for the purpose of providing public comment on or receiving notices related to an application for a license. A "license" under this section includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

The District may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137, 2001.003(2)

VICTIM OF ABUSE OR IMPROPER RELATIONSHIP

The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Penal Code 21.12(a) may not be released to the public and is not public information subject to disclosure. *Penal Code 21.12(d)*

The name of a student or minor who is the victim of abuse or unlawful conduct by an educator is not public information subject to disclosure. *Education Code 21.006(h)*

PARTICIPANT IN ADDRESS CONFIDENTIALITY PROGRAM

Information relating to a participant in the Address Confidentiality Program for Victims of Family Violence, Sexual Assault, and Stalking under Code of Criminal Procedure Chapter 56, Subchapter C is confidential, except as provided by Code of Criminal Procedure 56.90, and may not be disclosed. *Code of Criminal Procedure 56.88*

VICTIMS OF CERTAIN CRIMES

A District employee who is also a victim under Code of Criminal Procedure Chapter 56, Subchapter B may elect whether to allow public access to information held by the District that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. An election under this subsection must be made in writing on a form developed by the District, be signed by the employee, and be filed with the District before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132

INFORMATION EXCEPTED FROM PUBLIC DISCLOSURE

The Board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

Except for social security numbers or as otherwise provided by law, information that is not confidential, but is excepted from required disclosure under Government Code sections 552.101–.151, is public information and is available to the public on or after the 75th an-

niversary of the date the information was originally created or received by the District. This paragraph does not limit the authority of the District to establish retention periods for records under applicable law. *Gov't Code 552.0215*

Categories of information that are excepted from disclosure to the public include:

1. Information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure. *Gov't Code 552.102*

3. Information in the custody of the District that relates to an employee or officer of the District if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.151*

4. Information relating to litigation of a civil or criminal nature to which the District is, or may be, a party or to which an officer or employee of the District, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time the District's public information officer receives the request. *Gov't Code 552.103*

5. Information that, if released, would give advantage to competitors or bidders. The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to information that is excepted from required disclosure under this paragraph. *Gov't Code 552.104*

6. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

7. Drafts and working papers involved in the preparation of proposed legislation. *Gov't Code 552.106*

8. Information the District's attorney is prohibited from disclosing because of a duty to the District under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. *Gov't Code 552.107*

9. Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records. *Education Code 22.08391*

10. Criminal history record information obtained by the District from the Texas Department of Public Safety. *Gov't Code 411.097(d)(2)* [See CJA, DBAA]

11. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:

    a. Information that deals with detection, investigation, or prosecution of crime; and

    b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

    Gov't Code 552.108

12. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. *Gov't Code 552.109*

13. A trade secret obtained from a person and privileged or confidential by statute or judicial decision. *Gov't Code 552.110(a)*

14. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. *Gov't Code 552.110(b)*

15. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the District. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency's policymaking)*

16. An audit working paper of an audit of the District auditor, including any audit relating to the criminal history background

check of a public school employee. If information in an audit working paper is also maintained in another record, that other record is not excepted. *Gov't Code 552.116*

17. Student records, except to District personnel, the student, or the student's parents, guardian, or spouse. The District is not required to release student records, except in conformity with FERPA. *Gov't Code 552.114, 552.026* [See FL]

18. Information that relates to the home address, home telephone number, emergency contact information, or social security number of the following persons, or that reveals whether the person has family members:

    a. A current or former District employee or Board member, except as provided by Section 552.024; or

    b. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Section 552.1175.

    Gov't Code 552.117

19. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:

    a. The officer is under indictment or charged with an offense by information;

    b. The officer is a party in a fire or police civil service hearing or a case in arbitration; or

    c. The photograph is introduced as evidence in a judicial proceeding.

    If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

    Gov't Code 552.119

20. Test items developed by a state-funded educational institution. *Gov't Code 552.122*

21. The certified agenda or tape recording of a closed meeting, unless a court order makes it available for public inspection and copying. *Gov't Code 551.104(c)*

22. Records of a school library or library system that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:

    a. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;

    b. To a person with a special right of access under Government Code 552.023; or

    c. To a law enforcement agency or prosecutor under a court order or subpoena.

    Gov't Code 552.124

23. The name of an applicant for Superintendent, except the Board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126*

24. Motor vehicle record information that relates to:

    a. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;

    b. A motor vehicle title or registration issued by an agency of this state or another state or country; or

    c. A personal identification document issued by an agency of this state, another state or country, or a local agency authorized to issue an identification document.

    The motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

    Subject to Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act), the District may redact motor vehicle or driver license information under this provision from any information the District discloses without the necessity of requesting a decision from the attorney general. The District shall provide the information specified at Government Code 552.130 to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

    Gov't Code 552.130

25. An informer's name or information that would substantially reveal the identity of an informer, unless:

    a. The informer consents. If the informer is a student or former student, consent may also be given by the informer's legal guardian or spouse; or

    b. The informer planned, initiated, or participated in the possible violation.

    "Informer" means a student or former student or an employee or former employee of the District who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the District or the proper regulatory enforcement authority.

    The informer's name may be made available to a law enforcement agency or prosecutor for official purposes upon proper request, made in compliance with applicable law and procedure. However, this exception does not impair the confidentiality of information considered to be confidential by law.

    Gov't Code 552.135

26. Information in a commercial book or publication purchased or acquired by the District for research purposes, if the book or publication is commercially available to the public. The District is not required to make copies of commercially available information, but the District shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the District. *Gov't Code 552.027*

27. Information that relates to economic development negotiations involving the Board and a business prospect that the Board seeks to have locate, stay, or expand in or near the District, if that information relates to:

    a. A trade secret of the business prospect; or

    b. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

    Gov't Code 552.131(a)

28. Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by the Board or by another person.

After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:

a. By the Board; or

b. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the District or a reduction in revenue received by the District from any source.

Gov't Code 552.131(b), (c)

29. Information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network. The following information is confidential:

a. A computer network vulnerability report;

b. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of the District or of a contractor of the District is vulnerable to unauthorized access or harm, including an assessment of the extent to which the District's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use; and

c. A photocopy or other copy of an identification badge issued to an official or employee of the District.

The District may disclose the information to a bidder if the District determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 (requiring disclosure to any person).

Gov't Code 552.139

MILITARY DISCHARGE RECORDS

30. A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of the District on or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the District in accordance with Government Code Section 552.140. A district that obtains information from the record shall limit the use and disclosure of

the information to the purpose for which the information was obtained. *Gov't Code 552.140*

SOCIAL SECURITY NUMBERS

31. The social security number of a living person. The social security number is not confidential, however. The District may redact the social security number of a living person from any information the District discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147*

TRS INFORMATION

32. Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement system. This provision applies to records that are in the custody of the District acting in cooperation with or on behalf of the retirement system. *Gov't Code 552.0038*