



Jenny Wells
Interim General Counsel

October 4, 2021

**via First Class U.S. Mail and
CERTIFIED MAIL/RETURN RECEIPT REQUESTED
7020 1810 0000 3318 1461**

The Honorable Ken Paxton
Attorney General of Texas
Office of the Attorney General
209 W. 14th St., 6th Floor
Austin, Texas 78701
ATTN: Open Records Division

Re: RRISD / Request for Public Information Determination - TPIA 2022-118

Dear Attorney General Paxton:

As legal counsel for the Round Rock Independent School District, and on its behalf, I am requesting authorization to withhold certain information that the District believes is not subject to and/or is excepted from disclosure under the Public Information Act, Texas Government Code Chapter 552.

THE REQUEST

The District received a request for public information via email on Sunday, September 19, 2021¹ from Robert Montoya for email communications between board members, staff and board counsel. The District is closed on the weekends, so the request was received on Monday, September 20, 2021. The 10th business day from the date of receipt of is October 4, 2021.

Any public information and/or documents identified will be made available to the Requestor in accordance with the Act. The District respectfully asserts, however, that certain information is not public under the Act, and therefore not subject to disclosure, pursuant to Texas Government Code Section 552.002, as discussed below, and/or is covered by an exception of the Act and therefore may be withheld at the discretion of the District. The responsive documents which the District wishes to withhold will be submitted to your office along with the District's arguments against disclosure within the 15-day deadline set by Texas Government Code Section 552.301(e).

¹ Exhibit 1: Public Information Request

By copy of this letter, Round Rock ISD hereby provides notice to the Requestor of this communication to your office asking for a decision under the Public Information Act, as provided by Texas Government Code Sections 552.221 and 552.301.

BASIS FOR REQUEST TO WITHHOLD INFORMATION

The District believes that the responsive records are or may be confidential or otherwise prohibited from disclosure pursuant to Texas Government Code Sections 552.101-552.151, including applicable sources of “other law” under Section 552.101. More specifically, we believe that the following exceptions under Chapter 552 of the Texas Government Code may apply to portions of the information requested:

- (1) Section 552.101, Information that is confidential by law;
- (2) Section 552.102(a), Personnel file information, the “disclosure of which would constitute a clearly unwarranted invasion of personal privacy”;
- (3) Section 552.103, Information related to litigation of a civil or criminal nature to which the political subdivision may be a party or to which an officer or employee of the political subdivision, as a consequence of the person=s employment, is or may be a party;
- (4) Section 552.104, Information related to competition or bidding;
- (5) Section 552.105, Information related to location or price of property;
- (6) Section 552.106, a draft or working paper involved in the preparation of proposed legislation;
- (7) Section 552.107, Information that the attorney of a political subdivision is prohibited from disclosing because of a duty to a client under the Texas Rules of Evidence or the Disciplinary Rules of Professional Conduct;
- (8) Section 552.108, Certain Law Enforcement Records;
- (9) Section 552.109, Private correspondence or communications of an elected office holder relating to matters that would constitute an invasion of privacy;
- (10) Section 552.110, Trade Secrets and Confidentiality of Certain Commercial or Financial Information;
- (11) Section 552.1101, Confidentiality of Proprietary Information;
- (12) Section 552.111, Information that constitutes inter- and intra- agency memoranda;
- (13) Section 552.112, Certain Information Relating to Regulation of Financial

Institutions or Securities;

- (14) Section 552.113, Geological or geophysical information or data;
- (15) Section 552.026 and 552.114, Student records information;
- (16) Section 552.116, Audit working paper;
- (17) Section 552.117, Confidentiality of Certain Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information;
- (18) Section 552.118, Official prescription form information collected under Health and Safety Code section 481.075;
- (19) Section 552.119, Photograph depicting a peace officer;
- (20) Section 552.122, Test items;
- (21) Section 552.124, Records of library or library system;
- (22) Section 552.125, Any documents or information privileged under the Texas Environmental, Health, and Safety Audit Privilege Act;
- (23) Section 552.126, Name of applicant for Superintendent of public school district;
- (24) Section 552.127, Personal information relating to participants in neighborhood crime watch organization;
- (25) Section 552.128, Information submitted by potential vendor or contractor per this section;
- (26) Section 552.130, Motor vehicle records;
- (27) Section 552.132, Confidentiality of Crime Victim or Claimant
- (28) Section 552.1325, Crime Victim Impact Statement: Certain Information Confidential
- (29) Section 552.135, Information held by a school district related to an informer;
- (30) Section 552.139, Government information related to security or infrastructure issues for computers;
- (31) Section 552.140, Military discharge records;
- (32) Section 552.142, Records of certain deferred adjudicators;

- (33) Section 552.151, Information in the custody of a governmental body that relates to an employee or officer of the governmental body if disclosure would subject the employee or officer to a substantial threat of physical harm;
- (34) Any other state or federal law which permits or requires the protection of the requested records;
- (35) Section 552.138, Information maintained by a family violence shelter center or sexual assault program;
- (36) Section 552.159: Confidentiality of Certain Work Schedules.

This is not an exhaustive list of the potential exceptions or provisions which may protect the requested information from public disclosure.

In accordance with Section 552.301(e), we will provide to your office within 15 business days of receipt of the request for information (1) the written comments providing reasons that the stated exceptions apply, which would require or allow the information to be withheld, (2) a copy of the written request, and (3) a representative sampling of the specific information requested.

If you have any questions or need additional information, please feel free to contact me at 512.464.5451.

Sincerely,



Jacob Woolston
Staff Attorney
Round Rock ISD

JJW/cc
Enclosure(s)

cc: *Mr. Robert Montoya*
Via email: rmontoya@texasscorecard.com

EXHIBIT 1

Request for Information dated September 19, 2021

10/4/21, 12:47 PM

RoundRock ISD Mail - Additional Open Records Requests



Open Records <open_records@roundrockisd.org>

Additional Open Records Requests

1 message

Robert Montoya <rmontoya@texasscorecard.com>

Sun, Sep 19, 2021 at 4:53 PM

To: Open_Records@roundrockisd.org

Cc: Tony McDonald <tony@tonymcdonald.com>

To Whom It May Concern,

Hope you're doing well.

Please find our open records requests attached to this email. I have CC'd our general counsel, Tony McDonald.

Feel free to contact me if you have any questions or concerns.

Thanks,
Robert Montoya
Senior Journalist
Texas Scorecard
(p)888-410-1836 ext 710
Texas Scorecard | Twitter: @RobbyMontoya

2 attachments

9-19-21.pdf
178K

9-20-21.pdf
178K



September 20, 2021

From:
Texas Scorecard

To:
Round Rock ISD
1311 Round Rock Ave. Round
Rock, TX 78681

This letter ("Document Request") shall serve as a public information request under the Texas Public Information Act.

REQUESTED RECORDS:

- For the time period of 9/12/21 to present, all communications in the possession of school board members of Round Rock ISD that contain the keywords "Mary Bone" and/or "Danielle Weston." Communications includes but is not limited to emails, text messages, postal mail, and handwritten notes.
- From 9/12/21 to present, all communications between all school board members and the superintendent with Jenny Caputo. Communications includes but is not limited to emails, text messages, postal mail, and handwritten notes.
- From 9/12/21 to present, all communications between all school board members and the superintendent with Doug Poneck. Communications includes but is not limited to emails, text messages, postal mail, and handwritten notes.

I appreciate your prompt attention to this matter. Please feel free to contact me with any questions.

Sincerely,
Robert Montoya rmontoya@texasscorecard.com
888-410-1836 ext 710