



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

October 10, 1990

Mr. Charles F. McNabb  
First Assistant City Attorney  
City of El Paso  
2 Civil Center Plaza  
El Paso, Texas 79999

OR90-480

Dear Mr. McNabb:

You received a request under the Texas Open Records Act, article 6252-17a, V.T.C.S., for the names and addresses of all City of El Paso retirees who are receiving pension benefits. Your letter requesting our decision was assigned ID# 10744.

You are concerned about persons who requested confidentiality for their home addresses during their tenure of employment and then retired before the following language of section 3A was adopted:

each former official and employee shall state that person's choice [whether or not to allow public access to his home address and telephone number] to the main personnel officer of the governmental body in a signed writing not later than the 14th day after the date on which . . . the former employee or official ends service with the governmental body.

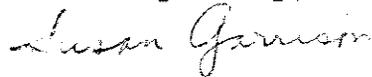
V.T.C.S. art. 6252-17a, § 3A(a). Since this procedure was not in place at the time of their departure, employees were not asked to fill out any separate declaration. You believe that the declaration made while in active employment should continue to control.

A prior determination of this office resolves this matter. Open Records Decision No. 455 (1987), a copy of which is enclosed, concluded that the protection of sections 3A and 3(a)(17) did not cease when an individual left employment if he had availed himself of their protection while employed. Id. at 2-3. Accordingly, you may withhold the home addresses of retired employees who chose to keep their addresses confidential under sections 3A and 3(a)(17)

while employed and retired before the procedure for former employees was added to section 3A of the Open Records Act. We are enclosing copies of Open Records Decisions Nos. 488 (1988) and 530 (1989), which also apply section 3A of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-480.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/le

Ref.: ID# 10744

Enclosure: Open Records Decisions Nos. 455, 488, 530

cc: A.N. Tito Garcia  
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