



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 30, 1991

Mr. Terrence S. Welch
Attorney for Town of Flower Mound
Vial, Hamilton, Koch & Knox
1717 Main Street, Suite 4400
Dallas, Texas 75201

OR91-531

Dear Mr. Welch:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12950.

The Town of Flower Mound received an open records request for "[a]ny and all applications and resumes submitted to the town for the vacant position of Chief of Police." You assert that sections 3(a)(1) and 3(a)(2) of the Open Records Act apply to the requested information. In addition you explain that all the applicants must be certified peace officers. Hence, you also seek to withhold the home addresses and home telephone numbers of the applicants under section 3(a)(17) of the Open Records Act.

Section 3(a)(1) protects "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." In previous decisions, copies of which are enclosed, this office determined that there is a strong public interest in disclosing certain information with regard to persons being considered for important public positions. Open Records Decisions Nos. 455 (1987); 264, 257 (1981); *see also Hubert v. Harte-Hanks Texas Newspapers*, 652 S.W.2d 546 (Tex. App.--Austin, 1983, writ ref'd n.r.e.). The second page of the application form asks whether the applicant is "physically or otherwise unable to perform the duties of the job for which you are applying." Any information regarding the applicants' illnesses, operations, and physical handicaps is protected by common-law privacy. Open Records Decision No. 455. However, other than the aforesaid medical information, the requested documents will not be protected by section 3(a)(1).

Moreover, your section 3(a)(2) claim is not applicable in this situation. That section applies only to employees, not applicants for employment. Open Records Decision Nos. 455; 345 (1982).

Finally section 3(a)(17) protects "the home address and home telephone numbers . . . of peace officers." Accordingly, you may withhold the home addresses and home telephone numbers of the applicants that are in fact peace officers. Open Records Decision Nos. 532 (1989) at 3; 264 (1981).

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 OR91-531.

Yours very truly,



Steve Aragon
Assistant Attorney General
Opinion Committee

SA/RNG/mc

Enclosures: documents; Open Records Decisions Nos. 455, 264, 257

cc: Mr. James Florez
Staff Writer
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