



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 17, 1995

Mr. Robert P. Rose
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR95-1077

Dear Mr. Rose:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35380.

The Austin Police Department (the "department") received an open records request for the personnel records of three identified police officers. You contend that the contents of the police officers' personnel files held by the department may be withheld in their entirety pursuant section 143.089(g) of the Local Government Code.

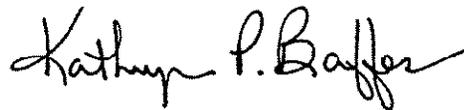
In Open Records Decision No. 562 (1990), this office held that section 143.089(g) merely imposes a procedural requirement that requestors must follow in order to obtain police officers' and fire fighters' personnel information that is common to both civil service and departmental personnel files. Information contained in personnel files held by the civil service must be released unless the information comes within one of the act's exceptions to required public disclosure. However, with regard to the personnel file information held internally by the department, section 143.089(g) provides:

A fire or police department may maintain a personnel file on a fire fighter or police officer employed by the department for the department's use, but the department may not release any information contained in the department file to any agency or person requesting information relating to a fire fighter or police officer. The department shall refer to the director or the director's designee a person or agency that requests information that is maintained in the fire fighter's or police officer's personnel file.

Local Gov't Code § 143.089(g) (emphasis added).

The requested records held by the department are confidential pursuant to section 143.089(g) of the Government Code and therefore must be withheld. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Records Division

KPB/RWP/rho

Ref.: ID# 35380

cc: Mr. Kevin R. Madison
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