



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1995

Mr. Jerry Bruce Cain
Assistant City Attorney
City of Laredo
P.O. Box 579
Laredo, Texas 78042-0579

OR95-1270

Dear Mr. Cain:

You have asked 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# 35187.

The City of Laredo (the "city") received a request for information relating to a former Laredo police officer, including personnel and disciplinary records.¹ You are concerned that responsive information may be excepted from disclosure pursuant to section 143.089(g) of the Texas Local Government Code. You also state that this information is contained in the former officer's personnel file.

We note initially that you did not submit the responsive records to this office for review. However, it appears the requestor has asked for information that may be contained in the named police officer's civil service file and/or in an internal personnel file that the department may maintain. Section 143.089 of the Local Government Code provides guidelines concerning both the civil service file and the internal personnel file.

Section 143.089(a) and (b) of the Local Government Code requires that certain documents must be maintained in a police officer's civil service file. This includes information relating to commendations, evaluations, sustained misconduct charges and disciplinary actions. Information maintained in civil service files must be released unless some provision of the Open Records Act permits the civil service commission

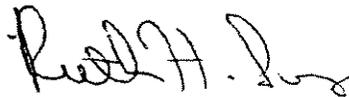
¹The requestor originally also sought information relating to investigations into an arson and an individual's death, but apparently withdrew that request prior to making this request.

to withhold the information. Local Gov't Code § 143.089(f); Gov't Code §§ 552.006, .021; Open Records Decision No. 562 (1990) at 6 (construction of section 143.089(f) provision requiring release of information as required by law).

Additionally, section 143.089(e) lays out a system of mandatory access to civil service records. Section 143.089(e) states that a police officer "is entitled, on request, to a copy of any letter, memorandum, or document placed in the person's personnel file." See Open Records Decision No. 598 (1991) at 3-4 (provisions of Open Records Act do not prevail over laws granting special right of access to records). However, if responsive information is maintained in an internal file, that information may not be disclosed. The department's internal file on a police officer may contain more and different information than what is in the officer's civil service file, since the internal file is not subject to the same content restrictions as the civil service file. Internal files maintained pursuant to section 143.089(g) are confidential and not subject to disclosure. *City of San Antonio v. Texas Attorney Gen.*, 851 S.W.2d 946 (Tex. App.--Austin 1993, writ denied); Open Records Decision No. 562 (1990) at 7. The city may not release information maintained in the internal personnel file, but must refer the requestor to the civil service commission.²

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 35187

cc: Mr. Charles R. Borchers
Person, Whitworth, Ramos, Borchers & Morales, L.L.P.
P.O. Drawer 6668
Laredo, Texas 78042-6668

²You indicate you have already referred the requestor to the director of the civil service commission, as required by section 143.089(g).