



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1995

Mr. Doug Young
Scanlon, Buckle & Young, P.C.
Attorneys at Law
602 West 11th Street
Austin, Texas 78701-2099

OR95-1439

Dear Mr. Young:

As counsel for the City of Lakeway (the "city"), 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# 36995.

The city received a request for information concerning disciplinary action the city's police department has taken against a certain former officer. You assert that the requested information is excepted from disclosure based on sections 552.102, 552.108, and 552.117.

Section 552.102 of the Government Code excepts from public disclosure information in a government employee's personnel file, if the release of the information would violate the employee's common-law right to privacy. *See Hubert v. Harte-Hanks Texas Newspapers*, 652 S.W.2d 546 (Tex. App.-Austin 1983, writ ref'd n.r.e.). Section 552.102 does not except from required public disclosure information about public employees' job performance or the reasons for their dismissal, demotion, promotion, or resignation. *See Open Records Decision No. 444 (1986)*. Consequently, the city may not withhold the requested information based on section 552.102 of the Government Code.

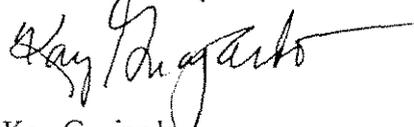
Section 552.108 of the Government Code excepts from required public disclosure the internal records of law enforcement agencies when their release would unduly interfere with law enforcement and crime prevention. *See Open Records Decision No. 531 (1989)*. Generally, section 552.108 does not apply to information about disciplinary action against a police officer. The names of officers who are the subjects of complaints, an officer's written response to a complaint, and the final disposition of a complaint generally are not excepted from disclosure by section 552.108. *See Open Records Decision Nos. 562 (1990), 350 (1982)*. As you have made no demonstration that the release of the

information at issue would unduly interfere with law enforcement and crime prevention, we conclude that the city may not withhold the requested information from required public disclosure based on section 552.108 of the Government Code.

In conclusion, the city must release the requested information, with one exception. The city must withhold the police officer's home address. Gov't Code § 552.117; see Open Records Decision No. 622 (1994).

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/ch

Ref.: ID# 36995

Enclosures: Submitted documents

cc: Mr. David A, Sheppard
Attorney at Law
2414 Exposition Blvd. D-210
Austin, Texas 78703
(w/o enclosures)