



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 25, 1996

Ms. Kaye Holland Edwards
First Assistant City Attorney
City of San Angelo
P.O. Box 1751
San Angelo, Texas 76902

OR96-2202

Dear Ms. Edwards:

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# 102425.

The City of San Angelo (the "city") received an open records request from a former probationary police officer for all of his training records and evaluations, including minutes of meetings at which his job performance was evaluated. You seek to withhold these records pursuant to sections 552.108 and 552.111 of the Government Code. We have determined, however, that because a separate statute governs the release of the requested records, the exceptions to disclosure that you raise are inapplicable.

Section 143.089 of the Local Government Code provides in pertinent part:

(a) The director [of the fire fighters' and police officers' civil service] or the director's designee shall maintain a personnel file on each fire fighter and police officer. The personnel file must contain any letter, memorandum, or document relating to:

(1) a commendation, congratulation, or honor bestowed on the fire fighter or police officer by a member of the public or by the employing department for an action, duty, or activity that relates to the person's official duties;

(2) any misconduct by the fire fighter or the police officer if the letter, memorandum, or document is from the employing department

and if the misconduct resulted in disciplinary action by the employing department in accordance with this chapter; and

(3) the periodic evaluation of the fire fighter or police officer by a supervisor.

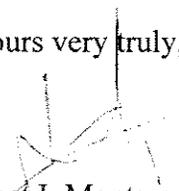
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(e) *The fire fighter or police officer is entitled, on request, to a copy of any letter, memorandum, or document placed in the person's personnel file.* The municipality may charge the fire fighter or police officer a reasonable fee not to exceed actual cost for any copies provided under this subsection.

Local Gov't Code § 143.089 (emphasis added). Because section 143.089 provides the requestor a special right of access to the records at issue, the city must release the requested records.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/RWP/rho

Ref.: ID# 102425

Enclosures: Submitted documents

cc: Mr. Antonio Aguirre, Jr.
1217 Live Oak
San Angelo, Texas 76901
(w/o enclosures)