



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 9, 1997

Mr. Tom Carr
Lane, Ray, Wilson, Carr & Steves
Attorneys at Law
6115 Camp Bowie Blvd., Suite 200
Fort Worth, Texas 76116

OR97-1069

Dear Mr. Carr:

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# 106230.

The Tarrant County Junior College District (the "district"), which you represent, received a request for "[t]he current Tarrant County Junior College staff and faculty directory that includes the name, title, campus telephone extension, work location, home addresses and telephone numbers of the college system's employees." You claim that the district employees' home addresses and home telephone numbers are excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.024 of the Government Code provides a procedure by which an employee or official of a governmental body may choose whether to allow public access to the information covered by section 552.117. Section 552.117(1) excepts from public disclosure the home address, home telephone number, social security number, and information about family members of a current or former official or employee of a governmental body who has complied with section 552.024 of the Government Code. The district must not release this information if, at the time the district received the request for information, the employee or official had chosen to keep the section 552.117 information confidential pursuant to section 552.024.

You state that the district had not advised its employees of their right to make an election under section 552.024 as of the time of the request for information. Whether a particular piece of information is public must be determined at the time the request for

it is made. *See* Open Records Decision No. 530 (1989) at 4-5 (governmental body may not solicit section 552.024 election from employees in response to pending open records request). Therefore, the district may not withhold this information for a current or former official or employee who made a request for confidentiality under section 552.024 after this request for information was made.

Section 552.117(2) excepts from required public disclosure information relating to the home address, home telephone number, and social security number of a "peace officer as defined by article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 5.212, Education Code." Unlike other public employees, a peace officer need not affirmatively claim confidentiality for section 552.117 information. Open Records Decision No. 488 (1988); *see also* Open Records Decision No. 506 (1988). The district therefore must withhold all peace officers' home addresses and telephone numbers from the requestor.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/gle

Ref.: ID# 106230

Enclosures: Submitted documents

cc: Mr. Eric Garcia
Arlington Morning News
1112 Copeland Road, Suite 400
Arlington, Texas 76011
(w/o enclosures)