



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 11, 1998

Mr. Randall Strong  
503 Ward  
Baytown, Texas 77520

OR98-0427

Dear Mr. Strong:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113184.

The City of Webster (the "city"), which you represent, received a request for copies of resumes received for the position of Chief of Police. You state that you have declined to release the applications because "the City believes that applicants that do not wish to have their personal privacy invaded should be given the opportunity to withdraw their applications prior to their identity being disclosed." You also assert that some information in the applications is excepted from disclosure pursuant to section 552.117 of the Government Code. You highlighted the information in the applications that you believe to be excepted from disclosure under section 552:117.

We note initially that you are not asserting that the applications in their entirety are excepted from disclosure. Rather, you seek a delay in complying with the request for information so that applicants may withdraw their applications from the city and the applications thereby be denied to the requestor. Information subject to disclosure under the Open Records Act includes information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business. Gov't Code § 552.002. If a governmental body believes that information falls within an exception to disclosure, it must seek a decision from this office. Gov't Code § 552.306. The governmental body otherwise "shall promptly produce" information upon request. The Open Records Act contains no provision whereby a governmental body can deem information not subject to the act's requirements for any period of time.<sup>1</sup>

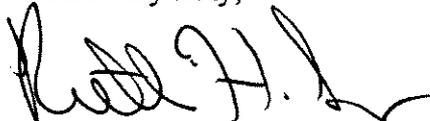
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<sup>1</sup>We note that a governmental body's promise to keep information confidential is not a valid basis for excepting information from disclosure under the Open Records Act, unless the governmental body has specific and express statutory authority to make such a promise.

You assert that section 552.117 protects from disclosure the home addresses and home telephone numbers of the applicants. Section 552.117 provides that a governmental body must protect from disclosure a peace officer's home address, home telephone number, social security number, or information that reveals that the officer has family members. It is our understanding that all of the applicants are peace officers. Thus, we agree that you must withhold from disclosure these categories of information. The applications must otherwise be disclosed. Further, the city must disclose the applications that were received by the city as of the date of the request for information, *see* Open Records Decision No. 452 (1986) (Open Records Act applies to information in existence as of the date of the request), regardless of whether applicants later chose to withdraw their applications.

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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 113184

Enclosures: Marked documents

cc: Ms. Sharon Drone  
510 Packer Court  
Webster, Texas 77598  
(w/o enclosures)