



March 16, 1999

Mr. Michael Bostic
Assistant City Attorney
City of Dallas
2014 Main Street, Room 206
Dallas , Texas 75201

OR99-0739

Dear Mr. Bostic:

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# 122840.

The City of Dallas Police Department (the "department") received a request from a police officer employed by the department for his own personnel file. You seek to withhold portions of the requested information under sections 552.117 and 552.119 of the Government Code.

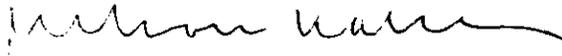
Section 552.117 excepts from disclosure a peace officer's home address, home telephone number, social security number, and information that reveals whether the individual has family members. Section 552.119(a) excepts from disclosure, *inter alia*, a peace officer's photograph "the release of which would endanger the life or physical safety of the officer," with exceptions which do not apply here. Subsection (b) of section 552.119 provides that such a photograph may be made public if the officer gives his written consent.

Section 552.023(a) of the Government Code provides that a person has a "special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests." Subsection (b) provides that "[a] governmental body may not deny access to information to the person . . . to whom the information relates on the grounds that the information is considered confidential by privacy principles under this chapter."

In our opinion, the requestor has a special right of access under section 552.023 to the information at issue. Therefore you may not withhold under either section 552.117 or section 552.119 the information at issue from the requestor here, but must release the requested personnel file in its entirety to 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref:: ID# 122840

Enclosures: Submitted documents

cc: Mr. Silverio Valencia
4280 Trinity Mills Road, #116
Dallas, Texas 75287
(w/o enclosures)