



August 6, 1999

Mr. Hugh Davis, Jr.
Assistant City Attorney
Office of The City Attorney
City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102-6311

OR99-2209

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127321.

The City of Fort Worth (the "city") received a written request for the personnel records of a named city police officer. You state that the city has released to the requestor the records contained in the officer's civil service personnel file. *See* Local Gov't Code § 143.089(e). You contend, however, that the contents of the police officer's personnel file held by the Fort Worth Police Department (the "department") are made confidential under section 143.089(g) of the Local Government Code and therefore must be withheld pursuant to section 552.101 of the Government Code.¹

Section 143.089(g) of the Local Government Code provides:

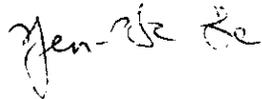
A fire or police department may maintain a personnel file on a fire fighter or police officer employed by the department for the department's use, *but the department may not release any information contained in the department file to any agency or person requesting information relating to a fire fighter or police officer.* The department shall refer to the director [of civil service] or the director's designee a person or agency that requests information that is maintained in the fire fighter's or police officer's personnel file.

¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

Local Gov't Code § 143.089(g) (emphasis added). The requested personnel records held by the department are confidential pursuant to section 143.089(g) of the Government Code. The city, therefore, may not release these 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is written in a cursive, somewhat stylized font.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/nc

Ref.: ID# 127321

Encl. Submitted documents

cc: Mr. Bud Hibbs
Investigative Journalist
P.O. Box 16522
Fort Worth, Texas 76162
(w/o enclosures)