



November 17, 1999

Ms. Simone Scott Walker  
Assistant County Attorney  
County of Harris  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002-1700

OR99-3302

Dear Ms. Walker:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129474.

The Harris County Medical Examiner's Office (the "HCMEO") received a request for a copy of "relational databases that consist of post-mortem examinations and submitted reports of deaths done by or made to the Harris County Medical Examiner's office." You ask whether portions of the responsive information are subject to section 552.117 of the Government Code.

Section 552.117 reads as follows:

Information is excepted from [required public disclosure] if it is information that relates to the home address, home telephone number, or social security number, or that reveals whether the following person has family members:

- (1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;
- (2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioner under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024; or

(3) an employee of the Texas Department of Criminal Justice, regardless of whether the employee complies with Section 552.024; or

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024.

You advise that portions of the information responsive to the request would reveal the home addresses, telephone numbers, social security numbers, and the existence of family members of deceased individuals. We understand you to raise two issues with respect to the application of section 552.117 to the requested information: 1) whether the HCMEO must withhold the kinds of information protected by section 552.117 where the information pertains to individuals who were employees of other governmental bodies, and 2) whether section 552.117 applies generally to deceased individuals who had been employees of governmental bodies.

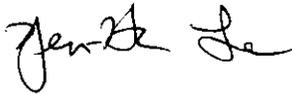
In our opinion, the HCMEO is obliged under section 552.117 to protect only information pertaining to employees and officials of the governmental body receiving the request for information, in this case the HCMEO. We note, for example, that the companion provision to section 552.117, section 552.024, provides that an employee of a governmental body may deny public access to certain information “in the custody of the governmental body.” Also, as you indicate, the legislature has established no mechanism for a governmental body’s apprising itself of whether given individuals were officers or employees of other governmental bodies, or whether such individuals had exercised the option under section 552.024 to prohibit release of section 552.117 information pertaining to themselves. We therefore do not believe it was the legislature’s intent to require a governmental body to protect section 552.117 information for individuals who have not been officials or employees of that governmental body. Accordingly, section 552.117 does not protect section 552.117 information pertaining to officials or employees of governmental bodies other than the HCMEO. We note that none of the submitted information appears to pertain to former HCMEO officials or employees, and thus that none of the submitted information may be withheld under section 552.117.

We limit our consideration of your question about the application of section 552.117 to deceased individuals in light of the above conclusion that the HCMEO is obliged under section 552.117 to protect only information pertaining to former officers and employees of the HCMEO. Only subsection (1) of section 552.117 would appear to be applicable here, since it would not appear that the HCMEO would have employed peace officers or other individuals to whom the other provisions of section 552.117 apply. In our opinion, section 552.117 information pertaining to a deceased individual who is a former official or employee

of HCMEO would be protected under section 552.117(1), the coverage of which includes "current and *former*" officials or employees (emphasis added). Again, we note that none of the submitted information appears to apply to former HCMEO officials or employees. Accordingly, none of the submitted information may be withheld under section 552.117.

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/WMW/ch

Ref: ID# 129474

Encl. Submitted documents

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(w/o enclosures)