



March 21, 2000

Ms. Kimberley Mickelson
Olson & Olson
Three Allen Center, Suite 3485
333 Clay Street
Houston, Texas 77002

OR2000-1101

Dear Ms. Mickelson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 133204.

The City of Friendswood (the "city") received a request for city-provided e-mail addresses of all city employees, elected officials and any other individuals with city e-mail addresses. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code.

You have submitted a list of e-mail addresses upon which you have marked those e-mail addresses that the city wishes to withhold from disclosure under section 552.108(a)(1). You state that the e-mail addresses you have marked belong to the police department, the humane/animal control division, the Fire Marshal's office, and the communications/dispatch division.

Section 552.108 of the Government Code excepts from required public disclosure:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:
 - (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You analogize e-mail addresses to cellular mobile phone numbers assigned to public officials and employees with specific law enforcement responsibilities. This office has previously concluded that the “law-enforcement exception” generally protects from required public disclosure the cellular mobile phone numbers assigned to public and private vehicles used by public officials and employees with specific law enforcement responsibilities, since disclosure of these phone numbers would interfere with law enforcement. *See* Open Records Decision No. 506 (1988). You contend that the same logic applies to city-provided e-mail addresses in that their release would also interfere with law enforcement. As you represent that the e-mail addresses in question are those of law enforcement personnel, we agree that release of the city-provided e-mail addresses would interfere with law enforcement. Thus, the city may withhold the e-mail address information from disclosure under section 552.108(a)(1).

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

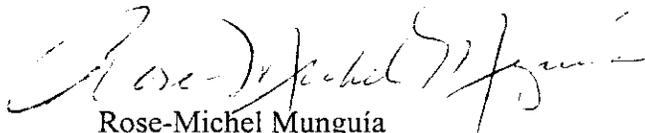
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body’s intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general’s Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental

body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Rose-Michel Munguía
Assistant Attorney General
Open Records Division

RMM/ch

Ref: ID# 133204

Encl. Submitted documents

cc: Mr. Jeff Branscome
309 Woodstream Circle
Friendswood, Texas 77546
(w/o enclosures)