



September 7, 2001

Ms. Victoria Benitez
Law Office of Victoria Benitez
P.O. Box 151374
Austin, Texas 78715-1374

OR2001-3981

Dear Ms. Benitez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 151719.

The Family Crisis Center of the Big Bend (the "shelter") received a request for the following six categories of information:

1. A copy of the employment contract of a named individual;
2. A complete copy of "Hiring the Executive Director";
3. Minutes of the shelter from February 2001 to the present;
4. Copies of the financial statement of the Re-run store from January 2000 to date;
5. A copy of any authorization to retain an attorney for the shelter, and copies of invoices for the attorney's professional services; and
6. The address of a named individual at the time she applied for the position of Executive Director.

You assert that no information responsive to item 1 exists in the shelter's records. You inform us that you have already released information responsive to items 2-4 to the requestor, and that the requestor has withdrawn item 5 of his request. You claim that the remaining requested information is excepted from disclosure under sections 552.103 and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also considered comments submitted to this office by the requestor, and by the attorney for the third party whose interests may be affected. Gov't Code §552.304.

The information at issue consists of the former home address of an employee of the shelter. You inform us that this information was the subject of a prior ruling by this office in Open Records Letter No. 2001-2251 (2001) (home address, home telephone number, or social security number of employee or volunteer worker of family violence shelter center or sexual assault program must be withheld under section 552.136). In Open Records Decision No. 622 (1994), this office concluded that, in enacting section 552.117(1)(A), the legislature intended to include former home addresses in the phrase "information relating to the home address of a" public employee. Open Records Decision No. 622 at 6 (1994). Thus, when public employees' addresses and telephone numbers are protected from required public disclosure, the employees' former addresses and telephone numbers are also protected. *Id.* Therefore, the fact that the address is not current is not a relevant change in the facts existing when Open Records Letter No. 2001-2251 (2001) was issued. *See* Open Records Decision No. 673 (2001) (holding that government body may rely on previous determination on required public disclosure of requested information where elements of law, fact, and circumstances have not changed). Consequently, you may rely on the previous ruling regarding that information. *Id.*

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).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/seg

Ref: ID# 151719

Enc. Submitted documents

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