



OFFICE *of the* ATTORNEY GENERAL
GREG ABBOTT

June 11, 2003

Mr. Jesus Toscano, Jr.
Administrative Assistant City Attorney
City of Dallas
1500 Marilla Street, Rm 7DN
Dallas, Texas 75201

OR2003-4017

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 182596.

The City of Dallas (the "city") received a request for the following information: 1) the last name, first name, city department, and city council district of all employees residing in the city; 2) a list of all employees, officials, third parties, or any other person or entity to whom a list of this type has been furnished which contains information about city employees and the city council district in which they live; 3) a description of the specific data items furnished to any such city employee, official, third party, person, or entity; and 4) records of payments received by the city from any employee, official, third party, person, or entity in connection with providing such information. You advise that the city will provide most of the requested information to the requestor upon receipt of the requestor's payment of reproduction costs. *See* Gov't Code § 552.263. You claim that the remaining requested information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and have reviewed the submitted representative sample of information.¹ We have also considered written comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that member of public may submit written comments stating why information at issue in request for attorney general decision should or should not be released).

¹ We assume that the "sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You contend that the submitted information relating to the city council districts in which city employees reside is excepted under section 552.117 of the Government Code. Section 552.117(1) excepts from public disclosure “information that relates to the home address, home telephone number, or social security number,” and family member information of current or former officials or employees of governmental body who request that this information be kept confidential under section 552.024. This office has noted that “[t]he legislative history of section 552.117(1)(A) makes clear that its purpose is to protect public employees from being harassed *at home*.” Open Records Decision No. 622 at 4 (1994) (citing House Committee on State Affairs, Bill Analysis, H.B. 1976, 69th Leg. (1985); Senate Committee on State Affairs, Bill Analysis, H.B. 1976, 69th Leg. (1985). (Emphasis added)). In this instance, we find that you have not demonstrated that the information at issue directly or indirectly reveals any employee’s home address, or otherwise demonstrated that release of the information at issue would allow a public employee to be harassed at home. Therefore, we find that this information is not protected under section 552.117, and it must be released.

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 Dep't of Pub. 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 Texas Building and Procurement 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. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. 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,



Krisjen Bates
Assistant Attorney General
Open Records Division

KAB/lmt

Ref: ID# 182596

Enc. Submitted documents

c: Mr. Allen Gwinn
319 Kahala Drive
Dallas, Texas 75218
(w/o enclosures)