



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 1, 2007

Ms. Pamela Smith  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2007-01312

Dear Ms. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Public Information Act (the "Act"). Your request was assigned ID# 269111.

The Texas Department of Public Safety (the "department") received a request for the following categories of information on all registered sex offenders: name, date of birth, home address, offense, date of offense, and work address and all work location identifiers. You state that, with the exception of some of the responsive employment information, all of the requested information has been released. You claim that some of the responsive employment information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted sample information.<sup>1</sup>

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Article 62.051 of the Code of Criminal Procedure requires a sex offender registrant to provide the department with certain enumerated categories of information to be included in the sex offender registration database. *See* Crim. Proc. Code

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<sup>1</sup>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.

art. 62.051(b). Among the types of information to be included is an indication as to whether the registrant is or will be employed, carrying on a vocation, or a student at a particular public or private institution of higher education in this state or another state, and the name and address of that institution. *See id.* art. 62.051(c)(6). You state that the department interprets this provision as requiring the release of employment information only if the registrant is or intends to work at an institution of higher education. In accordance with this interpretation, you state that the department released the names and locations of institutions of higher education that are employing registered sex offenders. *See id.* art. 62.005(b) (providing that, with few exceptions, all information contained in the database is public information).

In addition to the enumerated categories of information prescribed in article 62.051(c), a registrant must provide any other information required by the department. *See id.* art. 62.051(c)(7). You state that in accordance with article 62.051(c)(7), the department requires registrants to report their usual occupation and specific employer information, if known. You contend, however, that because this employment information is outside the enumerated categories of information, this employment information is “other information required by the department” as referenced in article 62.051(c)(7). You, therefore, contend that pursuant to article 62.005(b)(2), the employment information of registrants who are not employed by institutions of higher education is not subject to public disclosure.

We disagree. The application of article 62.051(c)(6) is not clearly limited to registrants who are working or intend to work at an institution of higher education. Instead, article 62.051(c)(6) can also be read to apply to three separate categories or persons: (i) persons who are or will be employed, (ii) persons who are or will be carrying on a vocation, and (iii) persons who are or will be a student at a particular public or private institution of higher learning in this state or another state. Consistent with the general presumption in favor of the release of information, we adopt this broader reading of article 62.051(c)(6). *See generally* Gov’t Code § 552.001 (stating that it is policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about affairs of government and Act shall be liberally construed in favor of granting request for information). Accordingly, we conclude that the information you have marked is an indication of a registrant’s employment; therefore it is public information under article 62.005(b) and 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).

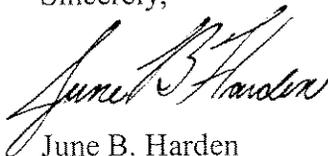
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Office of the Attorney General 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,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/sdk

Ref: ID# 269111

Enc: Submitted documents

c: Mr. Steve Bivens  
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(w/o enclosures)