



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 10, 2009

Mr. Joel H. Bennett
Assistant Criminal District Attorney
Galveston County
600 59th Street, Suite 1001
Galveston, Texas 77551-4137

OR2009-01747

Dear Mr. Bennett:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 335180.

The Galveston County Criminal District Attorney's Office (the "district attorney") received a request for information pertaining to three named employees. You state that you have provided some of the requested information to the requestor. You also state that you have no information responsive to a portion of the request.¹ You claim that portions of the submitted information are excepted from disclosure under section 552.117 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

Section 552.117(a)(1) of the Government Code excepts from disclosure the current and former home addresses and telephone numbers, social security numbers, and family member

¹ We note the Act does not require a governmental body to release information that did not exist at the time the request for information was received or create new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

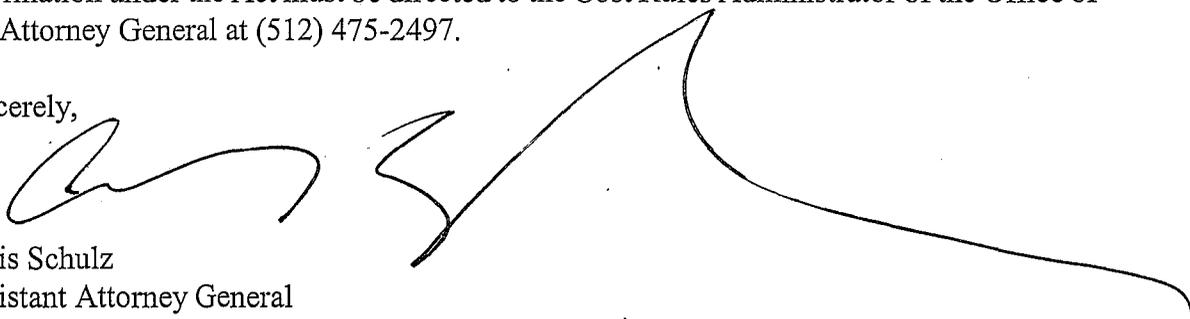
² We note that although you raise section 552.1175 of the Government Code, section 552.117 is the proper exception to raise in this instance as the district attorney holds the information of the named employees in an employment context

information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Whether information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530-at-5 (1989). Pursuant to section 552.117(a)(1), the district attorney must withhold personal information that pertains to a current or former employee who elected, prior to the district attorney's receipt of the request for information, to keep such information confidential. You state, and provide documentation showing, the employees at issue timely requested confidentiality under section 552.024. Thus, the district attorney must withhold the named employees' home addresses and social security numbers in the submitted information. The remaining information must be released.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Chris Schulz
Assistant Attorney General
Open Records Division

CS/cc

Ref: ID# 335180

Enc. Submitted documents

cc: Requestor
(w/o enclosures)