



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 13, 2009

Mr. Scott A. Kelly
Interim General Counsel
Texas A&M University
200 Technology Way, Suite 2079
College Station, Texas 77845-3424

OR2009-03353

Dear Mr. Kelly:

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# 337155.

The Texas A&M University Police Department (the "department") received a request for fourteen categories of information pertaining to a named police officer. You state you have released some information to the requestor. You claim that portions of the submitted complaint e-mails are excepted from disclosure under section 552.137 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that, in addition to complaint information, the requestor seeks general personnel information regarding the named officer. Therefore, to the extent any additional responsive information existed when the present request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

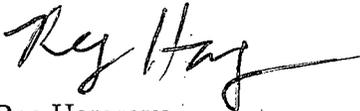
We now turn to your argument against disclosure of the information at issue. Section 552.137 excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type

specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). You have marked e-mail addresses under section 552.137, and you state these addresses are not subject to section 552.137(c). Further, you state that the individual at issue has not consented to the release of this information. Accordingly, the department must withhold the e-mail addresses you marked, as well as the additional address we marked, under section 552.137 of the Government Code. 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,



Reg Hargrove
Assistant Attorney General
Open Records Division

RJH/eeg

Ref: ID# 337155

Enc. Submitted documents

c: Requestor
(w/o enclosures)