



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 6, 2009

Ms. Ashley D. Fourt
Assistant District Attorney
Tarrant County
401 West Belknap
Fort Worth, Texas 76196-0201

OR2009-04494

Dear Ms. Fourt:

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# 339017.

The Tarrant County District Attorney's Office (the "district attorney") received a request for all payroll records for nine named individuals during a specified time period. You state that you will release the requestor's own payroll information. You claim that the submitted information you seek to withhold is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that some of the submitted documents are not responsive to the instant request for information, because they are outside of the particular time period requested. We have marked these documents, which the district attorney need not release in response to this request, and this ruling will not address that information. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dism'd).

Next, we note that the responsive information consists of payroll records detailing the named employees' job classification, salary, and pay increases. This information is subject to

required public disclosure under section 552.022(a)(2) of the Government Code, which provides:

(a) the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

...

(2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body[.]

Gov't Code § 522.022(a)(2). Accordingly, the district attorney may withhold the responsive information only if it is "expressly confidential under other law." The only exception you raise against disclosure of this information is section 552.103 of the Government Code, which is not "other law" that makes information expressly confidential for the purposes of section 522.022(a). See *Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d at 475-76; see also Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). Consequently, the district attorney may not withhold the responsive payroll information under section 552.103. As you have raised no further exceptions to disclosure, the responsive payroll 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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/jb

Ref: ID# 339017

Enc. Submitted documents

c: Requestor
(w/o enclosures)