



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 17, 2009

Lt. William Ryan
Pharr Police Department
1900 S. Cage
Pharr, Texas 78577-6751

OR2009-16322

Dear Lieutenant Ryan:

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# 361685.

The Pharr Police Department (the "department") received a request for a list of officers employed by the city of Pharr. You claim that the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that the requestor only requested the names of the officers. Because the names of these officers is the only information requested, the remaining information you have submitted is not responsive to the request and we do not address such information in this ruling. You need not release the nonresponsive information in response to this request.

Next, we note that the responsive submitted information is subject to section 552.022 of the Government Code. Section 552.022 provides, in relevant part:

(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:

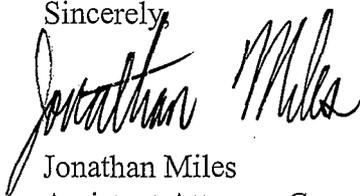
(2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body[.]

Gov't Code § 552.022(a)(2). The responsive submitted information consists of names of officers employed by the department, which is expressly public under section 552.022(a)(2). While you claim the submitted information is excepted from disclosure under section 552.108, section 552.108 is a discretionary exception to disclosure that protects a governmental body's interests, and therefore is not other law for purposes of section 552.022(a). Accordingly, you may not withhold the responsive submitted information under section 552.108. As you raise no further arguments against disclosure, the responsive submitted information must be released to the requestor.

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, toll free, at (888) 672-6787.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/cc

Ref: ID# 361685

Enc. Submitted documents

c: Requestor
(w/o enclosures)