



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 28, 2009

Ms. Cara Leahy White  
Taylor Olson Adkins Sralla Elam  
6000 Western Place, Suite 200  
Fort Worth, Texas 76107-4654

OR2009-18236

Dear Ms. White:

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# 370223.

The City of Joshua (the "city"), which you represent, received a request for information pertaining to a specified internal investigation and a specified personnel file. You claim that some of the responsive information is excepted from disclosure under sections 552.117 and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you contend that some of the submitted information is excepted from disclosure under section 552.1175 of the Government Code.<sup>1</sup> Section 552.1175 provides in part:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure;

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<sup>1</sup>Although you raise section 552.117 for the home address and telephone number of a deputy with the Johnson County Sheriff's Office, we note that section 552.1175 is the proper exception in this instance because the city does not hold this information in an employment capacity.

(b) Information that relates to the home address, home telephone number, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

- (1) chooses to restrict public access to the information; and
- (2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(a), (b). You state that the individual at issue is a deputy with the Johnson County Sheriff's Office. The city must withhold the home address and home telephone number you have marked to the extent that the individual at issue is a currently licensed peace officer and elects to restrict access to this information in accordance with section 552.1175(b). If no election is made or if the individual is not a currently licensed peace officer, the city may not withhold the home address and telephone you have marked under section 552.1175. We note that the name of the deputy may not be withheld under section 552.1175.

You also raise section 552.147 of the Government Code, which provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. Therefore, the city may withhold the social security number contained in the submitted information under section 552.147.<sup>2</sup>

In summary, if the individual at issue is a peace officer as defined by article 2.12, Code of Criminal Procedure, and elects to restrict access to his home address and home telephone number in accordance with section 552.1175(b), the city must withhold this information under section 552.1175. If no election is made or if the individual is not a currently licensed peace officer, the city may not withhold this information under section 552.1175. The city may withhold the submitted social security number under section 552.147 of the Government Code. The remaining information must be released to the requestor.

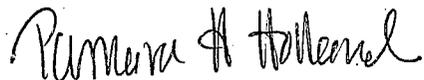
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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<sup>2</sup>We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

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](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,

A handwritten signature in cursive script that reads "Tamara H. Holland".

Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/sdk

Ref: ID# 370223

Enc. Submitted documents

c: Requestor  
(w/o enclosures)