



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 27, 2010

Mr. Clay T. Grover
Feldman, Rogers, Morris & Grover, L.L.P.
5718 Westheimer Road, Suite 1200
Houston, Texas 77057

OR2010-01315

Dear Mr. Grover:

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# 368242.

The Friendswood Independent School District (the "district"), which you represent, received a request for two specified deeds of trust, the most recent copy of the "List of Educators," and the most recent copy of the district's directory. You state you are providing the requestor with some of the responsive documents. You claim that portions of the submitted information are excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor and her attorney. *See* Gov't Code § 552.304 (interested third party may submit written comments regarding availability of requested information).

Initially, the requestor and her attorney claim that the district has only provided the requestor with a "non-confidential" copy of the district's directory, which they state is not responsive to the request, and that the requestor is entitled to a "confidential" copy of the directory. In the request, the requestor specifically asks for the most recent copy of the district's directory "for distribution to employees only," which includes "names, addresses, campus/facility locations, and other information on all [district] employees." The district states the "non-confidential" directory is the district's employee directory only used for internal distribution, which contains the home addresses and telephone numbers of those employees who agree to be included in the directory, regardless of their election as to public disclosure of this information. We note that a governmental body has a duty to make a good faith effort to relate a request for information to information that the governmental body holds. *See* Open Records Decision No. 561 (1990). In this case, we find the district's "non-confidential" directory, which has been submitted to our office for our review as Exhibit B

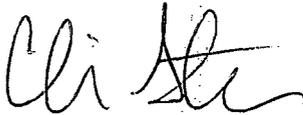
and released to the requestor in redacted form, is responsive to the request. Therefore, we find the district has made a good faith effort to identify the information that is responsive to the request. Accordingly, we will address the applicability of the claimed exception to Exhibit B.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member 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. We note that a post office box number is not a "home address" for purposes of section 552.117.¹ Whether a particular piece of 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). You inform us that the employees whose information is at issue timely elected confidentiality for their home addresses and telephone numbers under section 552.024. Thus, with the exception of the information we have marked for release, the district must withhold the information you have marked under section 552.117(a)(1) of the Government Code. The remaining information in Exhibit B 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,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

¹See Gov't Code § 552.117; Open Records Decision No. 622 at 4 (1994) (legislative history makes clear that purpose of section 552.117 is to protect public employees from being harassed at home) (citing House Committee on State Affairs, Bill Analysis, H.B. 1976, 69th Leg. (1985)).

Ref: ID# 368242

Enc. Submitted documents

c: Requestor
(w/o enclosures)