



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 11, 2010

Mr. Reg Hargrove
Assistant Attorney General
Public Information Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2010-03504

Dear Mr. Hargrove:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 372560 (PIR No. 09-26853).

The Office of the Attorney General (the "OAG") received a request for among other things, Greg Simpson's personnel file. The OAG has released some information and asserts some of the remainder is excepted from disclosure under section 552.117 of the Government Code.¹ We have considered the OAG's claimed exception to disclosure and have reviewed the submitted information.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address, home telephone number, social security number, and family member information of a former employee of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Whether a particular piece of information is protected by section 552.117(a)(1) must be determined at the time the

¹The OAG withheld tax return information, Form I-9, and a Texas driver's license number pursuant to Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold said information without the necessity of requesting an attorney general decision. See Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (addressing "previous determination" for section 552.301(a) purposes).

request for it is made. *See* Open Records Decision No. 530 at 5 (1989). The submitted information shows the former employee at issue timely elected to keep his personal information confidential. Thus, the OAG must withhold the information it marked under section 552.117(a)(1). The OAG must release the remainder.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 372560

Enc: Submitted documents

c: Requestor
(w/o enclosures)