



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 6, 2012

Ms. Valencia R. Tizeno
City Attorney
City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77641-1089

OR2012-12220

Dear Ms. Tizeno:

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# 461911.

The City of Port Arthur (the "city") received two requests from the same requestor for the total number of police officers and fire fighters hired by the city and the city of residence for each. You state the city has released some of the requested information. You claim some of the submitted information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You argue the information at issue may be withheld under section 552.117(a)(2) of the Government Code pursuant to Open Records Decision No. 670 (2001).¹ Open Records Decision No. 670 authorizes a governmental body to withhold a peace officer's home address and telephone number, personal cellular telephone and pager numbers, social security number, and family member information under section 552.117(a)(2) of the Government Code without requesting a decision from this office. *See* ORD 670. Section 552.117(a)(2) of the Government Code excepts from public disclosure the home address, home telephone

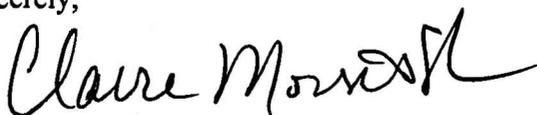
¹Regardless of whether the city failed to comply with section 552.301 of the Government Code in requesting a ruling, we note section 552.117 of the Government Code is a mandatory exception that constitutes a compelling reason to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. *See* Gov't Code §§ 552.007, .301, .302, .352. Accordingly, we will consider the city's argument under section 552.117.

number, emergency contact information, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code. *See* Gov't Code § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. In this instance, you seek to withhold the names of cities in which the city's police officers and arson investigation officers reside. This office has determined the city in which a person resides, standing alone, does not constitute the person's home address for purposes of section 552.117. *See* Open Records Decision No. 622 at 4 (1994) (purpose of Gov't Code § 552.117 is to protect public employees from being harassed *at home*) (emphasis added). Thus, we find the information at issue is not protected by section 552.117(a)(2) of the Government Code. Therefore, the city may not rely on Open Records Decision No. 670 in withholding the information at issue. Accordingly, the city may not withhold any of the submitted information under section 552.117(a)(2). As you claim no other exception to disclosure, the submitted 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, toll free at (888) 672-6787.

Sincerely,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 461911

Enc. Submitted documents

c: Requestor
(w/o enclosures)