



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 23, 2013

Ms. Lillian Guillen Graham
Assistant City Attorney
City of Mesquite
P.O. Box 850137
Mesquite, Texas 75185-0137

OR2013-01274

Dear Ms. Graham:

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# 476725.

The City of Mesquite (the "city") received a request for the following information from dog bite reports during a specified time period: the victim's name, gender, and address, and the date of the incident. You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.1175 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor is only seeking the victim's name, gender, and address, and the date of the incident, from each of the dog bite reports. Accordingly, any other information is not responsive to the present request. This ruling does not address the public availability of non-responsive information, and the city need not release any such information in response to the present request. Accordingly, we need not address your argument under section 552.101 of the Government Code.

¹Although you raise section 552.117(a)(2) for a portion of the submitted information, we note section 552.1175 is the proper exception to raise in this instance because the city does not hold the information at issue in an employment capacity.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. *See* Gov't Code § 552.1175. Section 552.1175 applies, in part, to "peace officers as defined by Article 2.12, Code of Criminal Procedure." Gov't Code § 552.1175(a)(1). Upon review, we agree the address you have highlighted may be subject to section 552.1175. If the individual whose information is at issue is a currently licensed peace officer and if the individual elects to restrict access to the information pertaining to her in accordance with section 552.1175(b), the city must withhold the address you have highlighted under section 552.1175 of the Government Code. As you raise no further exceptions to disclosure, the remaining responsive 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,



Kristi L. Wilkins
Assistant Attorney General
Open Records Division

KLW/ag

Ref: ID# 476725

Enc. Submitted documents

c: Requestor
(w/o enclosures)