



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 22, 2013

Ms. Derenda Rush  
Amarillo Police Department  
Service Division  
P.O. Box 1971  
Amarillo, Texas 79105

OR2013-04753

Dear Ms. Rush:

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# 481974.

The Amarillo Police Department (the "department") received a request for any records related to a specified incident involving the requestor's client. The department released the information responsive to the request. However, as permitted by section 552.024(c)(2) of the Government Code, the department redacted certain information it determined to be subject to section 552.117 of the Government Code without requesting a decision from this office. Pursuant to section 552.024(c-1), the requestor has asked this office to review the redacted information and render a decision as to whether this information is excepted from disclosure under section 552.117. We have considered the department's position and reviewed the redacted information.

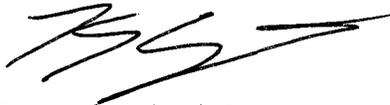
Section 552.117(a)(1) of the Government Code excepts from disclosure the home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). However, section 552.117 applies only to records that a governmental body holds in an employment capacity. *See* Gov't Code § 552.117 (providing that employees of governmental entities may protect certain personal information in hands of their employer); *see also id.* § 552.024

(providing that employees may elect with main personnel officer of employing governmental body); Open Record Decision Nos. 532 (1989) (stating purpose of predecessor statute of section 552.117 is to protect certain information during and after employment relationship), 530 (1989) (discussing interplay between sections 552.024 and 552.117), 455 (1987). In this instance, the submitted information consists of law enforcement records. The department does not hold this information in an employment capacity with respect to the individual whose information the department has redacted. Thus, the department may not withhold the information it redacted from the submitted information under section 552.117(a)(1) of the Government Code and this 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](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,



Kenneth Leland Conyer  
Assistant Attorney General  
Open Records Division

KLC/bhf

Ref: ID# 481974

Enc. Submitted documents

c: Requestor  
(w/o enclosures)