



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 27, 2013

Mr. Randy Jones
Chief Financial Officer/Records Management Officer
Athens Independent School District
104 Hawn Street
Athens, Texas 75751

OR2013-16807

Dear Mr. Jones:

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# 500564.

The Athens Independent School District (the "district") received a request for all yearly evaluations and the personnel file of the district's chief of police. We understand you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.102 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.102(b) of the Government Code excepts from public disclosure "a transcript from an institution of higher education maintained in the personnel file of a professional public school employee[.]" Gov't Code § 552.102(b). Section 552.102(b) of the Government Code is applicable only to a transcript of a professional public school employee. Thus, section 552.102(b) is not applicable to the transcript of a district police officer. Accordingly, the district may not withhold any portion of the submitted information under section 552.102(b) of the Government Code.

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion

of personal privacy.”¹ *Id.* § 552.102(a). The Texas Supreme Court held section 552.102(a) exempts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). Upon review, we find the district must withhold the date of birth we have marked under section 552.102(a) of the Government Code.

Section 552.117(a)(2) of the Government Code exempts from public disclosure the current and former home addresses and telephone numbers, emergency contact information, social security number, and family member information of a peace officer, regardless of whether the peace officer made an election under section 552.024 or section 552.1175 of the Government Code to keep such information confidential. 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. We note a post office box number is not a “home address” for purposes of section 552.117.² Accordingly, the district must withhold the information we have marked under section 552.117(a)(2) of the Government Code.³

In summary, the district must withhold the date of birth we have marked under section 552.102(a) of the Government Code. The district must withhold the information we have marked under section 552.117(a)(2) of the Government Code. The remaining 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.texasattorneygeneral.gov/open_orl_ruling_info.shtml, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

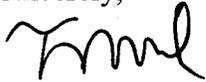
¹The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²*See* Gov’t Code § 552.117; Open Records Decision No. 622 at 4 (1994) (legislative history makes clear purpose of Gov’t Code § 552.117 is to protect public employees from being harassed *at home*) (citing House Comm. on State Affairs, Bill Analysis, Tex. H.B. 1976, 69th Leg. (1985); Senate Comm. on State Affairs, Bill Analysis, Tex. H.B. 1976, 69th Leg. (1985)).

³We note a governmental body may 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) without requesting a decision from this office. *See* Open Records Decision No. 670 (2001).

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Neal". The signature is cursive and somewhat stylized, with the first letters of the first and last names being capitalized and prominent.

Tim Neal
Assistant Attorney General
Open Records Division

TN/dls

Ref: ID# 500564

Enc. Submitted documents

c: Requestor
(w/o enclosures)