



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 27, 2014

Ms. Kristen L. Hamilton  
Assistant City Attorney  
Office of the City Attorney  
P.O. Box 1890  
El Paso, Texas 79950-1890

OR2014-01541

Dear Ms. Hamilton:

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# 511915.

The City of El Paso (the "city") received a request for information pertaining to the city's youth basketball league for boys. You claim some of the submitted information is excepted from disclosure under sections 552.137 and 552.148 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Section 552.137 excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). The e-mail addresses at issue are not excluded by subsection (c). Therefore, the city must withhold the personal e-mail addresses you have marked under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure.

Section 552.148 of the Government Code provides the following:

- (a) In this section, "minor" means a person younger than 18 years of age.

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<sup>1</sup>Although you do not raise section 552.137 in your brief, we understand you to raise this exception based on your markings.

(b) The following information maintained by a municipality for purposes related to the participation by a minor in a recreational program or activity is excepted from the requirements of Section 552.021:

- (1) the name, age, home address, home telephone number, or social security number of the minor;
- (2) a photograph of the minor; and
- (3) the name of the minor's parent or legal guardian.

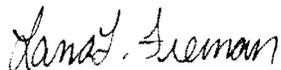
Gov't Code § 552.148. You state the submitted information relates to the participation by minors in a city recreational program or activity. Based on your representations and our review, we find the information you have marked is confidential under section 552.148. Accordingly, the city must withhold the marked information pursuant to section 552.148 of the Government Code.

In summary, the city must withhold the marked e-mail addresses under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure. The city must withhold the information you have marked under section 552.148 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](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 providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lana L. Freeman  
Assistant Attorney General  
Open Records Division

LLF/bhf

Ref: ID# 511915

Enc. Submitted documents

c: Requestor  
(w/o enclosures)