



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 22, 2014

Ms. Sylvia Hardman-Dingle  
General Counsel  
Office of the General Counsel  
Texas Department of Assistive and Rehabilitative Services  
4800 North Lamar Boulevard, Suite 300, MC-1419  
Austin, Texas 78756

OR2014-16793

Dear Ms. Hardman-Dingle:

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# 539154 (PIA Request No. 2014 07/24-1).

The Texas Department of Assistive and Rehabilitative Services (the "department") received a request for the mailing address, home phone number, and e-mail address of named interpreters certified by the department's Board for Evaluation of Interpreters (the "board"). You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.117, and 552.137 of the Government Code. Further, we understand you to claim release of the submitted information may implicate the privacy interests of the named interpreters. Accordingly, you state, and provide documentation showing, you notified these individuals of the request for information and of their right to submit arguments to this office as to why the information at issue should not be released.<sup>1</sup> See Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

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<sup>1</sup>As of the date of this letter, we have not received comments from any of the named interpreters explaining why the submitted information should not be released.

Initially, we note you have submitted mailing addresses, home phone numbers, and e-mail addresses for interpreters who were not named by the requestor. This information is not responsive to this request. This ruling does not address the public availability of any information that is not responsive to the request, and the department is not required to release that information in response to the request.

Section 552.101 of the Government Code excepts “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. You seek to withhold the responsive home addresses, phone numbers, and e-mail addresses of the named interpreters under common-law privacy. We note that this is not the type of information that has been found to be highly intimate or embarrassing and of no legitimate public concern. *See* Open Records Decision Nos. 554 at 3 (1990) (public disclosure of an individual’s home address and telephone number is not an invasion of privacy), 455 at 7 (1987) (home addresses and telephone numbers do not qualify as “intimate aspects of human affairs”). Accordingly, we find no portion of the responsive information may be withheld under section 552.101 of the Government Code on the basis of common-law privacy.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of a current or former employee or official of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. *See* Gov’t Code § 552.117(a)(1). You contend the information you have marked relates to department employees and, thus, is subject to section 552.117(a)(1) of the Government Code. However, we note the submitted information relates to individuals who are certified by the board, and is not held by the department in an employment context. Accordingly, the department may not withhold the submitted information under section 552.117(a)(1) of the Government Code.

Section 552.137 of the Government Code 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 owner of the e-mail address consents to its release or the e-mail address falls within the scope of section 552.137(c). *See id.* § 552.137(a)-(c). Section 552.137 is not applicable to the work e-mail address of an employee of a governmental body because such an address is not that of the employee as a “member of the public” but is instead the address of the individual as a government employee. Upon review, we find some of the e-mail addresses in the responsive information are not subject

to section 552.137. Therefore, except for the e-mail addresses we have marked for release, the department must withhold the responsive e-mail addresses under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure.

In summary, except for the e-mail addresses we have marked for release, the department must withhold the responsive e-mail addresses under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure. The department must release the remaining responsive information.

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,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/bhf

Ref: ID# 539154

Enc. Submitted documents

c: Requestor  
(w/o enclosures)