



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 6, 2014

Ms. Jeri C. Lawson  
Open Records Project Manager  
Public Information Office  
City of Dallas  
City Hall, 4ES  
Dallas, Texas 75201

OR2014-17800

Dear Ms. Lawson:

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# 538775.

The City of Dallas (the "city") received a request for e-mail communications between two named individuals during a specified period. The city released some of the information responsive to the request. However, as permitted by section 552.024(c)(2) of the Government Code, the city redacted information it determined to be subject to section 552.117 of the Government Code without requesting a decision from this office. Gov't Code § 552.024(c)(2). Pursuant to section 552.024(c-1), the requestor has asked this office to review the information and render a decision as to whether this information is excepted from disclosure under section 552.117. We have considered the position and reviewed the information.<sup>1</sup>

Initially, you indicate the city redacted some of the e-mail strings because they were not responsive to the request. This ruling will not consider information that is not responsive to the request, and the city is not required to release non-responsive information.

---

<sup>1</sup>We understand the city also redacted personal e-mail addresses under Open Records Decision No. 684 (2009). This previous determination authorizes a governmental body to redact a personal e-mail address of a member of the public under section 552.137 of the Government Code without requesting a decision from this office.

Section 552.117 of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, 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 piece of information is protected by section 552.117 must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may be withheld under section 552.117(a)(1) only on behalf of a current or former employee who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information. Information may not be withheld under section 552.117(a)(1) on behalf of a current or former employee who did not timely request under section 552.024 the information be kept confidential. Upon review, we find some of the information you marked under section 552.117 consists of employee dates of birth and driver's license numbers. This information is not encompassed by section 552.117 of the Government Code and may not be withheld on that basis. Next, we note you have submitted documentation showing three of the individuals whose personal information is at issue elected to keep that information confidential. Accordingly, the city must withhold the personal information you marked for those three individuals under section 552.117(a)(1) of the Government Code. You also marked the personal information for a fourth individual. However, you did not submit documentation showing that individual elected to keep this information confidential before the date of the request. If that individual made the necessary election under section 552.024 in a timely manner, the city must withhold that information under section 552.117(a)(1) of the Government Code. If that individual did not make a timely election, the city may not withhold that information under section 552.117(a)(1) of the Government Code.

Next, we will address whether the employee dates of birth and driver's license numbers are excepted from disclosure under section 552.102 and 552.130 of the Government Code.<sup>2</sup> 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." Gov't Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts 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). Accordingly, the city must withhold the employee dates of birth under section 552.102(a) of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state or

---

<sup>2</sup>The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body but ordinarily will not raise other exceptions.

another state or country. Gov't Code § 552.130(a)(1). Accordingly, the city must withhold the driver's license information under section 552.130 of the Government Code.<sup>3</sup>

In summary, the city must withhold the personal information for the three individuals who elected to keep their information confidential under section 552.117(a)(1) of the Government Code. To the extent the fourth individual made such an election, the city also must withhold that information under section 552.117(a)(1) of the Government Code. The city must withhold the employee dates of birth under section 552.102(a) of the Government Code and the driver's license information under section 552.130 of the Government Code. The city 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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/bhf

Ref: ID# 538775

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>3</sup>We note the city is permitted to withhold motor vehicle record information under section 552.130 of the Government Code without requesting a decision from this office, but it must follow the procedures outlined in section 552.130(e) of the Government Code.