



January 14, 2015

Ms. Thao La
Senior Attorney
Parkland Health & Hospital System
5201 Harry Hines Boulevard
Dallas, Texas 75235

OR2015-00780

Dear Ms. La:

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# 549932 (DCHD# 14-94).

The Dallas County Hospital District d/b/a Parkland Health & Hospital System (the "system") received a request for the names, mailing addresses, telephone numbers, and e-mail addresses of all employees who are within a certain age range.¹ You state the system will withhold certain information pursuant to section 552.024 of the Government Code and Open Records

¹You state the system sought and received clarification of the request for information. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

Decision Nos. 670 (2001) and 684 (2009).² You claim the remaining requested information is excepted from disclosure under section 552.150 of the Government Code.³ We have considered the exception you claim and reviewed the submitted information.

Initially, we note the question of whether the system must release to the public under the Act some of the requested information is before the court in litigation the system brought against this office. *See Dallas County Hosp. Dist. v. Abbott*, No. D-1-GN-10-000812 (353rd Dist. Ct., Travis County, Tex.). Accordingly, we will allow the trial court to resolve the issue of whether the information at issue in the litigation must be released to the public.

Next, you state some of the remaining requested information was the subject of certain previous requests for information regarding the system's employees, as a result of which this office issued Open Records Letter Nos. 2010-16352 (2010), 2011-08377 (2011), 2011-18041 (2011), 2013-05167 (2013), 2014-07070 (2014), and 2014-15069A (2014). In those decisions, we ruled, among other things, the system must withhold portions of the information at issue under section 552.150 of the Government Code. Thus, to the extent the circumstances on which the prior rulings were based have not changed, with respect to the information previously withheld under section 552.150, the system must continue to rely on those rulings as previous determinations and withhold the information pertaining to employees for whom we have previously found section 552.150 applies. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). However, to the extent the individuals at issue were not current employees when the system received the present request for information, we find circumstances have changed with respect to the information pertaining to those employees.

²Section 552.024 of the Government Code authorizes a governmental body to redact from public release a current or former employee's home address and telephone number, emergency contact information, social security number, and family member information excepted from disclosure under section 552.117(a)(1) of the Government Code without the necessity of requesting a decision from this office under the Act, if the employee timely elected to withhold such information. *See* Gov't Code §§ 552.024(a)-(c), .117(a)(1). Open Records Decision No. 670 is a previous determination authorizing all governmental bodies to withhold the current and former home addresses and telephone numbers, personal cellular telephone numbers, social security numbers, and family member information of peace officers under section 552.117(a)(2) of the Government Code without the necessity of requesting an attorney general decision. *See* ORD 670. Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold specific categories of information without the necessity of requesting an attorney general decision, including e-mail addresses of members of the public under section 552.137 of the Government Code. *See* ORD 684.

³Although you also raise section 552.136 of the Government Code as an exception to disclosure, you did not submit to this office written comments supporting this exception, nor have you identified any information you seek to withhold under this exception. Therefore, we presume you no longer assert this exception. *See* Gov't Code §§ 552.301, .302.

Thus, we conclude, to the extent the individuals at issue were not current employees when the system received the present request, the system may not rely on any of the previous rulings as previous determinations with respect to the information pertaining to those individuals. *See id.* In that event, we will address your argument against disclosure of this information, as well as the information pertaining to individuals whose information was not at issue in the previous rulings.

Section 552.150 of the Government Code provides as follows:

(a) Information in the custody of a hospital district that relates to an employee or officer of the hospital district is excepted from the requirements of Section 552.021 if:

(1) it is information that, if disclosed under the specific circumstances pertaining to the individual, could reasonably be expected to compromise the safety of the individual, such as information that describes or depicts the likeness of the individual, information stating the times that the individual arrives at or departs from work, a description of the individual's automobile, or the location where the individual works or parks; and

(2) the employee or officer applies in writing to the hospital district's officer for public information to have the information withheld from public disclosure under this section and includes in the application:

(A) a description of the information; and

(B) the specific circumstances pertaining to the individual that demonstrate why disclosure of the information could reasonably be expected to compromise the safety of the individual.

(b) On receiving a written request for information described in an application submitted under Subsection (a)(2), the officer for public information shall:

(1) request a decision from the attorney general in accordance with Section 552.301 regarding withholding the information; and

(2) include a copy of the application submitted under Subsection (a)(2) with the request for the decision.

Gov't Code § 552.150. Section 552.150 provides that information held by a hospital district relating to a hospital district employee or officer is excepted from public disclosure provided (1) it is information that, if disclosed under the specific circumstances pertaining to the individual, could reasonably be expected to compromise the safety of the individual; and (2) the employee or officer makes a written application in accordance with section 552.150(a)(2) to the hospital district's officer for public information to have the information withheld from public disclosure under this section. *Id.* The individual's application must include a description of the information at issue and the specific circumstances pertaining to the individual that demonstrate why disclosure of the information could reasonably be expected to compromise his or her safety. *Id.*

We understand the system has provided all employees notice of this request and of their ability to claim a section 552.150 exception. You have provided this office with copies of written applications sent to the system from certain employees seeking protection pursuant to section 552.150. In these applications, the employees describe the information at issue, explain their specific circumstances and concerns, and ask that their information not be publicly disclosed. We note section 552.150 does not apply to a former employee. Upon review and consideration of these applications, we determine some employees have described specific circumstances establishing that release of their names could "reasonably be expected to compromise the safety of the individual." *See id.* § 552.150(a)(1). Therefore, the system must withhold, under section 552.150, the names, work telephone numbers, and work e-mail addresses belonging to individuals we have indicated who were current employees at the time of the present request for information. However, we find none of the individuals to whom the remaining information at issue pertains have established release of the remaining information could "reasonably be expected to compromise the safety of the individual" or the employees at issue are former employees. *See id.*; *see also id.* § 552.022(a)(2) ("[The] name, sex, ethnicity, salary, title, and dates of employment of each employee and officer" of governmental body are public information under the Act unless "expressly confidential under other law."). Thus, we find neither the system nor its employees have demonstrated that section 552.150 is applicable to any of the remaining information. Therefore, the system may not withhold any of the remaining information at issue under section 552.150 of the Government Code.

In summary, we will allow the trial court to resolve the issue of whether the information that is the subject of pending litigation must be released to the public. To the extent the individuals whose information was at issue in the previous rulings were current system employees when the system received the present request for information, the system must continue to rely on Open Records Letter Nos. 2010-16352, 2011-08377, 2011-18041, 2013-05167, 2014-07070, and 2014-15069A as previous determinations and withhold in accordance with those rulings the information pertaining to those individuals for whom we have previously found section 552.150 of the Government Code applies. The system must withhold the names, work telephone numbers, and work e-mail addresses belonging to the

individuals we have indicated who were current employees at the time of the request under section 552.150 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 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 that reads "Lindsay E. Hale". The signature is written in a cursive, flowing style.

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/akg

Ref: ID# 549932

Enc. Submitted documents

c: Requestor
(w/o enclosures)