



February 12, 2015

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

OR2015-02856

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# 553412 (DCHD# 14-60Suppl).

The Dallas County Hospital District d/b/a Parkland Health & Hospital System (the "system") received a request for the names, title, position, and primary campus information for all full-time employees hired during a specified time period.¹ You claim the requested information is excepted from disclosure under section 552.150 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

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).

²We note, although you raise section 552.101 of the Government Code, you make no argument to support this exception. Therefore, we presume you have withdrawn your claim this exception applies to the submitted information. *See* Gov't Code §§ 552.301, .302. Additionally, although you raise section 552.136 of the Government Code as an exception to disclosure for employee identification numbers, you have not submitted any such information for our review. Therefore, we do not address this exception. *See id.* §§ 552.301, .302.

Initially, we note you have submitted information, which we have marked, that does not consist of the requested employee names, title, position, or primary campus information. This information is not responsive to the present request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the system need not release such information in response to this request.

Next, 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 and we note some of the remaining responsive 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), 2014-15069A (2014), and 2015-00780 (2015). 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 individuals whose information was 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. 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 of the employees at issue 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 of employees we have indicated if they were current employees at the time of the present request for information. In addition, to the extent the job title reveals the identity of an individual whose name we have indicated, as, for example, when there is only one individual with that title, the system must also withhold the individual’s job title under section 552.150. However, we find none of the individuals to whom the remaining responsive 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 responsive information. Therefore, the system may not withhold any of the remaining responsive 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, 2014-15069A and 2015-00780 as previous determinations and withhold in accordance with those rulings the responsive 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 of the individuals we have indicated if they were current employees at the time of the request under section 552.150 of the Government Code. To the extent the job title reveals the identity of an individual whose name we have indicated, the system must also withhold the individual’s job title under section 552.150 of the Government Code. The remaining responsive information must be released.

You ask this office to issue a previous determination permitting the system to withhold information that would identify qualified employees under section 552.150 of the Government Code, without seeking a ruling from this office. *See id.* § 552.301(a) (allowing governmental body to withhold information subject to previous determination); ORD 673. We decline to issue such a previous determination at this time. Accordingly, this letter ruling is limited to the particular records 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 records 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 style with a large, looping initial "L".

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/akg

Ref: ID# 553412

Enc. Submitted documents

c: Requestor
(w/o enclosures)