KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 1, 2015

Ms. Sandra Kim
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2015-06218

Dear Ms. Kim:

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# 561584 (ORR# 02-02562).

The City of Austin and the Austin Police Department (collectively, the "city") received a request for the timesheets of two named officers for specified time periods. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.[1]

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes such as section 143.089 of the Local Government Code. You state the City of Austin is a civil service city under chapter 143 of the Local Government Code. Section 143.089 requires a civil service city to maintain two different types of personnel files relating to a police officer: a police officer's civil service file that the civil service director is required to maintain, and

[1]We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

an internal file that the police department may maintain for its own use. Local Gov't Code § 143.089(a), (g). Information that reasonably relates to an officer's employment relationship with the police department is maintained in a police department's internal file pursuant to section 143.089(g) and is confidential and must not be released. *See id.* § 143.089(g) ("[T]he department may not release any information contained in the department file to any agency or person requesting information relating to a . . . police officer."); *see also City of San Antonio v. San Antonio Express-News*, 47 S.W.3d 556 (Tex. App.—San Antonio 2000, pet. denied); *City of San Antonio v. Texas Attorney General*, 851 S.W.2d 946, 949 (Tex. App.—Austin 1993, writ denied). You state the submitted information is maintained only in the police department's confidential internal file for each of the officers in question pursuant to section 143.089(g). Based on your representation and our review, we conclude the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 143.089(g) of the Local Government Code.

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,

Brian E. Berger
Assistant Attorney General
Open Records Division

BB/akg

Ref: ID# 561584

Enc. Submitted documents

c: Requestor
(w/o enclosures)