



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 23, 2015

Mr. Caleb Thornton
Assistant County Attorney
Open Records Division
Montgomery County
501 North Thompson, Suite 300
Conroe, Texas 77301

OR2015-07848

Dear Mr. Thornton:

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# 562926 (ORR# 15PIA104).

Montgomery County (the "county") received a request for personnel information pertaining to eleven named individuals. You claim the requested information is excepted from disclosure under sections 552.108, 552.117, 552.1175, 552.130, 552.147, and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

You seek to withhold the submitted information in its entirety under section 552.152 of the Government Code, which provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of

¹We assume that 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.

the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. You state the requestor may resort to potentially harmful behavior against the individuals named in the request. We understand the requestor has a history of harassing, stalking, and threatening behavior toward public officials. Moreover, you state, and provide documentation showing, the requestor is currently awaiting trial for retaliation against a law enforcement official who testified at a hearing concerning the requestor. Consequently, you state the release of any of the submitted information could subject the individuals at issue to a substantial threat of physical harm. Based on your representations and our review of the submitted information, we find you have demonstrated release of the submitted information would subject the individuals at issue to a substantial risk of physical harm. Accordingly, the county must withhold the submitted information in its entirety under section 552.152 of the Government Code.²

You ask this office to issue a previous determination permitting the county to withhold personnel information from this requestor under section 552.152 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); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301 (a) of the Government Code). We decline to issue such previous determinations 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,



Brian E. Berger
Assistant Attorney General
Open Records Division

BB/akg

²As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 562926

Enc. Submitted documents

c: Requestor
(w/o enclosures)