



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 11, 2015

Montgomery County Attorney's Office
County of Montgomery
501 North Thompson, Suite 300
Conroe, Texas 77301

OR2015-09140

To Whom it May Concern:

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# 562924 (Montgomery Ref. No. 15PIA105).

Montgomery County (the "county") received a request for the personnel file of a specified employee. You claim the submitted information is excepted from disclosure under sections 552.108, 552.117, 552.1175, 552.130, 552.137, 552.147, and 552.152 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

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

¹Although you also raise section 552.101 of the Government Code, you have not provided any arguments to support this claim. Accordingly, we assume you have withdrawn it. See Gov't Code §§ 552.301, .302.

Gov't Code § 552.152. You inform us the requestor has “a history of exhibiting behavior towards various employees within [the county] that subjects them to a substantial threat of physical harm.” You state the requestor has a history of threatening harmful behavior “against those she feels are conspiring against her, who in this case, includes [the employee at issue].” Further, you assert disclosing the submitted information would subject county officers and employees to a substantial threat of physical harm. You have provided a variety of documentation to this office in support of your assertions. Based on your representations and our review of the submitted information, we find you have demonstrated release of the submitted information would subject the employee 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

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.

EW/akg

Ref: ID# 562924

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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