



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 23, 2015

Mr. Jorge L. Trevino, Jr.
Assistant County Attorney
Webb County
1110 Washington Street, Suite 301
Laredo, Texas 78040

OR2015-19919

Dear Mr. Trevino:

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# 580274.

Webb County (the "county") received a request for a specified cover sheet. You claim some of the submitted information is excepted from disclosure under section 552.117 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information. Further, you state release of the submitted information may implicate the privacy interests of the named individual. Accordingly, you state, and provide documentation showing, you notified the named individual of the request for information and of his right to submit arguments to this office as to why the information at issue should not

¹Although you claim some of the submitted information is excepted from disclosure under section 552.024 of the Government Code, we note this section is not an exception to public disclosure under the Act. Rather, this section permits a current or former official or employee of a governmental body to choose whether to allow public access to certain information relating to the current or former official or employee that is held by the employing governmental body. *See* Gov't Code § 552.024.

be released.² *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

Initially, we note some of the submitted information, which we have marked, is not responsive to the instant request because it does not consist of the requested cover sheet. This ruling does not address the public availability of any information that is not responsive to the request, and the county is not required to release such information in response to this request.³

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of a current or former employee or official of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. *See id.* § 552.117(a)(1). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may be withheld under section 552.117(a)(1) only on behalf of a current or former employee or official who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information. Information may not be withheld under section 552.117(a)(1) on behalf of a current or former employee or official who did not timely request under section 552.024 the information be kept confidential. However, section 552.117 applies only to records that a governmental body holds in an employment capacity. Open Record Decision Nos. 532 (1989) (stating purpose of predecessor statute of section 552.117 is to protect certain information during and after employment relationship). We note the submitted responsive information consists of election records the county maintains in accordance with the Election Code, not employment records. Therefore, the county may not withhold any portion of the submitted responsive information under section 552.117(a)(1) of the Government Code. As you raise no further exceptions against disclosure of the submitted responsive information, it must be released.

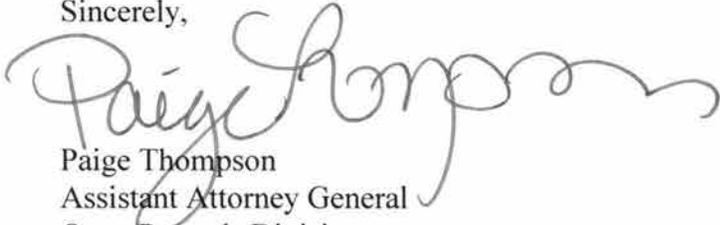
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

²As of the date of this letter, we have not received comments from the third party explaining why the submitted information should not be released.

³As we reach this determination, we need not address your argument against disclosure of this information.

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, appearing to read "Paige Thompson". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Paige Thompson
Assistant Attorney General
Open Records Division

PT/bhf

Ref: ID# 580274

Enc. Submitted documents

c: Requestor
(w/o enclosures)