



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 30, 2015

Ms. Sarah Stallberg
Assistant County Attorney
Montgomery County
501 North Thompson, Suite 300
Conroe, Texas 77301

OR2015-24806

Dear Ms. Stallberg:

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# 588734.

The Montgomery County Auditor's Office (the "county") received a request for the names, positions, and salaries of all current employees of Montgomery County. The county states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under section 552.152 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the request for information because it does not consist of the names, positions, or salaries of county employees. 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 this information in response to this request.

Section 552.152 of the Government Code provides the following:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 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.

Gov't Code § 552.152. The county informs us the information it has marked consists of the names, titles, and salaries of undercover officers, and argues release of this information would subject the officers to a "substantial threat of physical harm." Upon review, we find the department has demonstrated release of the marked names of the undercover officers would subject the officers to a substantial threat of physical harm. Therefore, the county must withhold the marked names of the undercover officers under section 552.152. However, we conclude the county has not established release of the titles or salaries of the undercover officers would subject them to a substantial threat of physical harm. Therefore, the county may not withhold any of the remaining responsive information under section 552.152 but, instead, must release it.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bhf

Ref: ID# 588734

Enc. Submitted documents

c: Requestor
(w/o enclosures)