



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 8, 2015

Ms. Josephine Ramirez-Solis
Assistant District Attorney
County of Hidalgo
100 North Closner, Room 303
Edinburg, Texas 78539

OR2015-25652

Dear Ms. Solis:

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# 589705 (Ref. No. 2015-0108-DA.PA).

Hidalgo County (the "county") received a request for the names and addresses of all employees of the county. The county claims the submitted information is excepted from disclosure under sections 552.117 and 552.1175 of the Government Code. We have considered the exceptions the county claims and reviewed the submitted representative sample of information.¹

Section 552.117(a)(6) of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of an officer or employee of a community supervision and corrections department established under chapter 76 of the Government Code who performs a duty described by section 76.004(b) of the Government Code, regardless of whether the officer or employee complies with sections 552.024 or 552.1175 of the Government Code. *See* Gov't Code § 552.117(a)(6). We have marked personal information of an individual that

¹We 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 those records contain substantially different types of information than that submitted to this office.

may be protected by section 552.117(a)(6). The county informs us these individuals work for the county's adult probation department. Thus, to the extent the information we have marked relates to individuals who perform duties described by section 76.004(b), the county must withhold the marked information under section 552.117(a)(6) of the Government Code.² Otherwise, the information may not be withheld under this section. Further, none of the remaining information is of the type made confidential by section 552.117(a)(6) of the Government Code and thus, none of it may be withheld on that basis.

Section 552.117(a)(9) 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 juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code, regardless of whether the current or former officer complies with section 552.024 or 552.1175. *See id.* § 552.117(a)(9). We have marked personal information of individuals that may be protected by section 552.117(a)(9). The county informs us these individuals work for the county's juvenile probation department. Therefore, to the extent the information we have marked belongs to certified juvenile probation or supervision officers, the county must withhold the information we have marked under section 552.117(a)(9) of the Government Code.³ Otherwise, the information may not be withheld under this section. Further, none of the remaining information is of the type made confidential by section 552.117(a)(9) of the Government Code and thus, none of it may be withheld on that basis.

Section 552.117(a)(2) of the Government Code excepts from public disclosure a peace officer's home address and telephone number, social security number, emergency contact information, and family member information regardless of whether the peace officer made an election under section 552.024 of the Government Code. *Id.* § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. We have marked personal information of individuals that may be protected by section 552.117(a)(2). The county informs us these individuals work for the county's sheriff's office and constable's office. Therefore, to the extent the information we have marked belongs to currently licensed peace officers as defined by article 2.12, then the county must withhold the information we have marked under section 552.117(a)(2) of the Government Code.⁴ Otherwise, the information may not be withheld under this section. Further, none of the remaining information is of the type made confidential by

²As our ruling is dispositive, we need not address the division's remaining argument against disclosure of this information.

³As our ruling is dispositive, we need not address the division's remaining argument against disclosure of this information.

⁴As our ruling is dispositive, we need not address the division's remaining argument against disclosure of this information.

section 552.117(a)(2) of the Government Code and thus, none of it may be withheld on that basis.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. *Id.* § 552.1175(b). Upon review, we find the county has failed to establish section 552.1175 of the Government Code is applicable to any of the remaining information and thus, none of it may be withheld on that basis.

In summary, to the extent the information we have marked relates to individuals who perform duties described by section 76.004(b) of the Government Code, the county must withhold the marked information under section 552.117(a)(6) of the Government Code. To the extent the information we have marked belongs to certified juvenile probation or supervision officers, the county must withhold the information we have marked under section 552.117(a)(9) of the Government Code. To the extent the information we have marked belongs to currently licensed peace officers as defined by article 2.12 of the Code of Criminal Procedure, then the county must withhold the information we have marked under section 552.117(a)(2) of the Government Code. The county must release the remaining information.

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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/som

Ref: ID# 589705

Enc. Submitted documents

c: Requestor
(w/o enclosures)