



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 15, 2015

Mr. Matthew Cherry
Public Information Coordinator
Texas Alcoholic Beverage Commission
P. O. Box 13127
Austin, Texas 78711-3127

OR2015-26318

Dear Mr. Cherry:

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# 594095.

The Texas Alcoholic Beverage Commission (the "commission") received a request for information concerning a named employee. The commission released information responsive to the request but made redactions as permitted by sections 552.024, 552.130, and 552.147 of the Government Code without requesting a decision from this office. *See* Gov't Code §§ 552.024(c)(2), .130(c), .147(b). Pursuant to section 552.024(c-1), the requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure under section 552.117(a)(1) of the Government Code. *See id.* § 552.024(c-1). We have considered the commission's position and reviewed the information. We have also considered comments submitted by the requestor. *See id.* § 552.304 (interested party may submit comments to this office stating why the information at issue should or should not be released).

Section 552.117 of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and information that reveals whether an individual has family members for current or former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. *Id.* § 552.117(a). Whether a particular piece of information is protected by section 552.117 must be determined at the time the request for it is made. *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 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 who did not timely request under section 552.024 the information be kept confidential. Section 552.117(b) states a current employee shall make this designation within fourteen days of employment, but she may change that designation at any time. *See Gov't Code § 552.024(b), (e).*

Prior to the date of the request, on September 30, 2010, the employee whose information is at issue completed a form indicating her social security number and family member information should be kept confidential. The form indicates her home telephone number and home address should not be kept confidential. Although the employee later changed these designations, we note the determination of whether information is confidential must be made at the time the request was received. *See ORD 530.* The change in designation was made on August 3, 2015, after the date the request was received. We note the requestor argues specific information concerning the employee's relatives who work at other state agencies is not protected by section 552.117(a)(1). However, this provision protects all information that reveals whether an employee has family members. Accordingly, the commission must withhold only the employee's social security number and information that reveals whether she has family members under section 552.117(a)(1) of the Government Code.¹ The commission may not withhold her home address and home telephone number under section 552.117(a)(1) of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country. Gov't Code § 552.130(a)(1). Accordingly, the commission must withhold the driver's license information you redacted under section 552.130 of the Government Code.

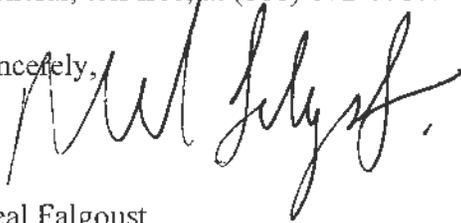
In summary, the commission must withhold only the employee's social security number and family member information under section 552.117(a)(1) of the Government Code. The commission must withhold the driver's license information you redacted under section 552.130 of the Government Code. The commission 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.

¹This ruling is dispositive of section 552.147 of the Government Code as it relates to the employee's social security number.

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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/eb

Ref: ID#594095

Enc. Submitted documents

c: Requestor
(w/o enclosures)