



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 26, 2016

Mr. Brooks William Conover, III
Counsel for City of Rio Vista City
Conover Law Firm
410 West Chambers
Cleburne, Texas 76033

OR2016-04631

Dear Mr. Conover:

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# 605743 (PIR No. ORQ 1.28.16.1).

The City of Rio Vista (the "city") received a request for the job application regarding a named individual and the current chief of police. You claim the submitted information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.117(a)(1) excepts from disclosure the current and former home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of 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. Gov't Code § 552.117(a). Whether information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). The city may only withhold information under section 552.117(a)(1) on behalf of current or former officials or employees who made a request for confidentiality under section 552.024 prior to the date on which the request for this information was made. We have marked the personal information of a city employee. If the employee whose personal information is at issue timely elected to keep his information confidential pursuant to section 552.024, the city must withhold the information we have marked under section 552.117(a)(1). The city may not withhold this information under

section 552.117(a)(1) if the employee did not timely elect to keep his information confidential pursuant to section 552.024. However, we find the remaining information is not subject to section 552.117(a)(1) and it may not be withheld on that basis.

Section 552.117(a)(2) of the Government Code excepts from public disclosure the home address, home telephone number, emergency contact information, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code. *See* Gov't Code § 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. Accordingly, the city must withhold the information we have marked under section 552.117(a)(2) of the Government Code. The remaining information does not contain the home address, home telephone number, emergency contact information, social security number, or family member information of a current or former official, employee, or peace officer of the city. Therefore, the city may not withhold any of the remaining information under section 552.117(a)(1).

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.¹ *Id.* § 552.1175(b). Section 552.1175 applies, in part, to “peace officers as defined by Article 2.12, Code of Criminal Procedure” and to “state judges as defined by Section 13.0021, Election Code[.]” *Id.* § 552.1175(a)(1), (13). Therefore, if the individuals at issue elect to restrict access to their information in accordance with section 552.1175(b), the city must withhold the information we have marked under section 552.1175. If the individuals at issue do not elect to restrict access to their information, the city may not withhold this information.

In summary, if the employee whose information is at issue timely elected confidentiality, the city must withhold the information we have marked under section 552.117(a)(1) of the Government Code. The city must withhold the information we have marked under section 552.117(a)(2) of the Government Code. If the individuals at issue elect to restrict access to their information in accordance with section 552.1175(b) of the Government Code, the city must withhold the information we have marked under section 552.1175 of the Government Code. The remaining information must be released.

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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,



Britni Ramirez
Assistant Attorney General
Open Records Division

BR/bhf

Ref: ID# 605743

Enc. Submitted documents

c: Requestor
(w/o enclosures)