



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 29, 2016

Ms. Morgen Cuming
Staff Attorney
Texas Board of Professional Engineers
1917 South Interstate 35
Austin, Texas 78741-3702

OR2016-06917

Dear Ms. 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# 604411.

The Texas Board of Professional Engineers (the "board") received a request for a list of all registered professional engineers, including names, states, zip codes, e-mail addresses, status, and "PE" numbers. The board claims some of the submitted information is excepted from disclosure under section 552.137 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹

Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). Subsection 552.137(c)(5) provides, in part, section 552.137(a) does not apply to an e-mail address "provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license as defined by Section 2001.003(2) of this code[.]" *Id.* § 552.137(c)(5); *see also id.* § 2001.003(2) (defining "license"). The board informs us it "initially obtains email addresses from license

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.

applicants for the purpose of communicating with the applicants during the licensing process.” It also explains, “[a]fter the licensing process concludes, the now licensed professional engineer’s email address is provided and used for the purpose of communicating electronically with the [b]oard, a governmental body, which the licensee can opt-out [sic] at any time.” Based on these representations and on review, we conclude the submitted e-mail addresses fall within the scope of section 552.137(c)(5) and, thus, the board may not withhold them under section 552.137(a) of the Government Code. Accordingly, the board must release the submitted information in its entirety to the requestor.

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# 604411

Enc. Submitted documents

c: Requestor
(w/o enclosures)