



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 30, 2016

Ms. Cynthia Tynan
Office of General Counsel
The University of Texas System
201 West 7th Street, Suite 600
Austin, Texas 78701

OR2016-14890

Dear Ms. Tynan:

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# 618306 (OGC# 169286).

The University of Texas Medical Branch at Galveston (the "university") received a request for information received from specified entities, including information pertaining to an investigation involving the requestor. Although you take no position with respect to whether the requested information is excepted from disclosure, you state its release may implicate the interests of third parties. Accordingly, you state, and provide documentation demonstrating, you notified the Anderson County District Attorney's Office (the "district attorney's office") and the Texas Rangers Division (the "Texas Rangers") of the Texas Department of Public Safety of the request for information and of their right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.304 (interested third party may submit comments stating why information should or should not be released). We have reviewed the submitted information.

As of the date of this letter, we have not received comments from the district attorney's office or the Texas Rangers explaining why any portion of the submitted information should

not be released to the requestor. Thus, the submitted information may not be withheld on the basis of any interest these third parties may have in the information.

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. Section 552.1175 applies, in part, to “peace officers as defined by Article 2.12, Code of Criminal Procedure[.]” *Id.* § 552.1175(a)(1). Section 552.1175 is also applicable to personal cellular telephone numbers, provided the cellular telephone service is not paid for by a governmental body. *See* Open Records Decision No. 506 at 5-6 (1988) (statutory predecessor to section 552.117 of the Government Code not applicable to cellular telephone numbers provided and paid for by governmental body and intended for official use). Some of the submitted information pertains to a peace officer not employed by the university. Thus, to the extent the information we have marked consists of the home address or telephone numbers of a currently licensed peace officer and the officer elects to restrict access to her information in accordance with section 552.1175(b), the university must withhold the information we have marked under section 552.1175; however, the university may not withhold the marked cellular telephone number if the service is paid for by a governmental body. If the individual whose information we have marked is no longer a licensed peace officer or no election is made, the university may not withhold this information under section 552.1175. As no further exceptions to disclosure have been raised, the remaining information must be released.²

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

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).

²We note the requestor has a right of access to his personal information that might otherwise be excepted from disclosure under section 552.117 of the Government Code. *See* Gov’t Code § 552.023(a) (person or person’s authorized representative has a special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protection that person’s privacy interests).

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink that reads "Mili Gosar". The signature is written in a cursive style with a large, stylized "M" and "G".

Mili Gosar
Assistant Attorney General
Open Records Division

MG/akg

Ref: ID# 618306

Enc. Submitted documents

c: Requestor
(w/o enclosures)

2 Third Parties
(w/o enclosures)