



CITY OF HOUSTON

Legal Department

Post Office Box 1562 Houston, Texas 77251-1562 713/247-2000

IS# 10288
56
60V

Kathryn J. Whitmire, Mayor

CITY COUNCIL MEMBERS: Larry McKaskle Ernest McGowan, Sr. Vince Ryan Alfred J. Calloway Frank O. Mancuso John G. Goodner Christin Hartung
Dale M. Garczynski Ben T. Reyes Beverley Clark Eleanor Tinsley Jim Greenwood Sheila Jackson Lee Judson Robinson, Jr. CITY CONTROLLER: George Greanias

Clarence A. West
City Attorney

RO-55

August 03, 1990

The Honorable Jim Mattox
Attorney General Of Texas
Supreme Court Building
Austin, Texas 78711-2548

REC-111
AUG 07 90
Opinion Committee

Id# 10272

Re: Request for an opinion regarding the release of the personnel file of William D. Goglas, an ex-Houston Police Officer (L.D. No. 50-90009-01)

Dear General Mattox:

A citizen in Houston made a request to our city's personnel department under the Texas Open Records Act for a personnel file on an ex-Houston police officer.

The documents in the police officer file maintained in our personnel department are almost identical to those in the personnel file maintained by our police department. (Copies are being sent under separate cover.)

ORD Nos. 350 (1982) and 208 (1978), made some records in personnel files of public employees, including police officers, subject to disclosure.

However, since those opinions were issued, the Legislature enacted Local Government Code, Section 143.089 (g), effective 1989, strictly prohibiting disclosure of all and any records maintained in personnel file of a police officer.

Apparently there is a conflict between Section 143.089 (g) of the Local Government Code and the ORD Nos. 350 & 208.

Our questions on this issue are:

(1) Does Section 143.089 (g) of the Local Government Code supersede and overrule the ORD Nos. 350 and 208?

(2) Can we release the records of personnel file maintained by our personnel department on an ex-Houston police officer even though they are almost identical to the personnel file maintained by the HPD?

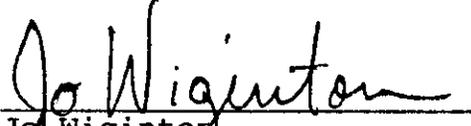
Thank you very much for your attention to this matter.

Very truly yours,


Wilson T. Hu
Legal Assistant

JSW:WH:cm
WHU148

Read and Approved:


Jo Wiginton
Assistant City Attorney

cc: Murray Smith
Houston Police Department
Darrel Malone
Houston Personnel Department