



The Attorney General of Texas

February 9, 1981

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Mr. Scott Bounds
City Attorney
City of Huntsville
Huntsville, Texas 77340

Open Records Decision No. 264

Re: Whether names, addresses,
and qualifications of applicants for
city director of public safety are
available under the Open Records
Act

Dear Mr. Bounds:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether the names, addresses and qualifications of applicants for the position of city director of public safety are available to the public. You explain that the director of public safety functions as chief of police. You contend that the information is excepted from disclosure by sections 3(a)(1), 3(a)(2), 3(a)(4) and 3(a)(7) of the act.

Initially, we emphasize that, although you have submitted the entire file for each applicant, much of the information included therein is not the subject of the request. We assume that the information sought regarding an applicant's qualifications refers to his formal education, licenses and certificates, employment experience, professional awards and recognition, and membership in professional organizations.

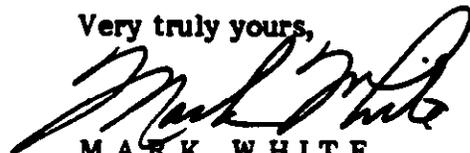
In Open Records Decision No. 257 (1980), we said that the names of applicants for the position of superintendent of schools of the Austin Independent School District, and for the position of chief of police of the city of Plano, are not excepted from disclosure under any provision of the Open Records Act. We believe that both the rationale and result of that decision are correct, and we re-affirm its validity. In our opinion, it is dispositive of your inquiry regarding the names of applicants for the position of director of public safety.

With regard to the request for addresses, you state that more than one-half of the applicants are presently serving as peace officers pursuant to article 2.12 of the Code of Criminal Procedure. As such, their home addresses and home telephone numbers are specifically excepted from disclosure by section 3(a)(7) of the Open Records Act. Home address information should therefore not be disclosed as to any applicant who is a Texas peace officer. Any other applicant may prevent disclosure of his

home address only by demonstrating the special circumstances outlined in Open Records Decision No. 169 (1977).

Although we have never specifically held that the qualifications of applicants for public employment must be disclosed, such information regarding licensees has long been available. See Open Records Decision Nos. 215 (1978); 157 (1977); Attorney General Opinion H-242 (1975). In our opinion, disclosure of information about an applicant's qualifications cannot be deemed to infringe upon the applicant's right of privacy, whether constitutional, common law, or employment-related under section 3(a)(2) of the act. See Open Records Decision No. 257 (1980). If a state licensee's qualifications are not excepted from disclosure by a right of privacy, we do not believe the qualifications of an applicant for public employment should be so protected. Indeed, as we said in Open Records Decision No. 257, "the qualifications of candidates for the position of police chief. . . are an appropriate topic for public debate." It is thus our decision that the names and qualifications of applicants for the position of city director of public safety for the city of Huntsville are available to the public. The home address of any such applicant is available only if he is not presently a peace officer as defined by article 2.12 of the Code of Criminal Procedure.

Very truly yours,



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