



The Attorney General of Texas

December 20, 1982

MARK WHITE
Attorney General

Supreme Court Building
P. O. Box 12548
Austin, TX. 78711-2548
512/475-2501
Telex 910/874-1367
Telecopier 512/475-0266

1607 Main St., Suite 1400
Dallas, TX. 75201-4709
214/742-8944

4824 Alberta Ave., Suite 160
El Paso, TX. 79905-2793
915/533-3484

1220 Dallas Ave., Suite 202
Houston, TX. 77002-6986
713/650-0666

806 Broadway, Suite 312
Lubbock, TX. 79401-3479
806/747-5238

4309 N. Tenth, Suite B
McAllen, TX. 78501-1685
512/682-4547

200 Main Plaza, Suite 400
San Antonio, TX. 78205-2797
512/225-4191

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Mr. Wes Griggs
City Attorney
City of West Columbia
P. O. Box 517
West Columbia, Texas 77486

Open Records Decision No. 329

Re: Personnel file and internal investigation of police officer pursuant to complaint under article 6252-20, V.T.C.S.

Dear Mr. Griggs:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether information relating to a former police officer is available to the public.

A reporter has requested the following information about a former police officer who resigned from the police department of the city of West Columbia in February 1980: age, law enforcement background, previous experience and employment, reasons for the officer's resignation, description of disciplinary action taken, and names of persons interviewed in the course of a specific investigation into the officer's conduct. You suggest that the information is excepted from disclosure by sections 3(a)(2), (3) and (8) of the Open Records Act.

Information relating to a public employee's age, educational background and previous experience and employment is generally deemed to constitute public information. In Open Records Decision No. 165 (1977), this office said that similar information about a public school teacher was not excepted from disclosure. Likewise, such information has been made available regarding licensees, Open Records Decision Nos. 215 (1978); 157 (1977), and applicants for public employment, Open Records Decision Nos. 277, 264 (1981). You have raised section 3(a)(8) but you have not stated how release of this information would unduly interfere with law enforcement. See Open Records Decision No. 287 (1981). We conclude that information as to this officer's age, law enforcement background, and previous experience and employment is public and should be disclosed.

As to the reasons for the officer's resignation, we said in Open Records Decision No. 269 (1981) that such information is not ordinarily excepted from disclosure, absent facts which would give rise to a constitutional or common law right of privacy. The reasons for the officer's resignation in the present instance are presumably contained in a letter he wrote to the chief of police on January 22, 1980. We find nothing in this letter which would raise a claim under

either constitutional or common law privacy, and as a result, it should be made available to the requestor.

Information relating to complaints against police officers and disciplinary actions resulting therefrom was the subject of Open Records Decision No. 208 (1978). In that opinion, this office said that:

the names of complainants who filed formal complaints with the police department's internal affairs division, the name of the officer who is the subject of the complaint, and the final disposition of the complaint by the city police department is public information and is required to be disclosed. The information is not excepted under section 3(a)(1), 3(a)(2), 3(a)(3) or 3(a)(8).

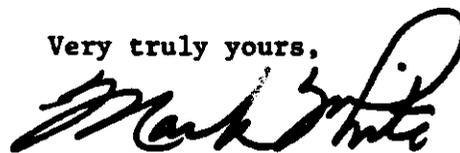
In our opinion, this decision is dispositive of your inquiry regarding descriptions of disciplinary action, and accordingly, the requested information should be disclosed.

Finally, the requestor seeks the names of persons interviewed in the course of a specific investigation into this officer's conduct. The investigation in this case is apparently closed, as indicated by a letter from the United States Department of Justice, dated December 24, 1981. In Open Records Decision No. 297 (1981), we said that information could be withheld from an inactive police investigatory file if "disclosure will unduly interfere with law enforcement and crime prevention." There we indicated that the names of witnesses could be withheld:

if it is determined from an examination of the facts of the particular case that disclosure might either subject the witnesses to possible intimidation or harassment or harm the prospects of future cooperation between witnesses and law enforcement officers.... If you make the requisite determination... you may withhold the names and statements of witnesses... under section 3(a)(8) of the Open Records Act.

The rationale of Open Records Decision No. 297 is, in our view, fully applicable to the names of persons interviewed in the specific investigation you mention. Thus, you may withhold the names if you make the determination indicated therein.

Very truly yours,



MARK WHITE
Attorney General of Texas

JOHN W. FAINTER, JR.
First Assistant Attorney General

RICHARD E. GRAY III
Executive Assistant Attorney General

Prepared by Rick Gilpin
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

Susan L. Garrison, Chairman
Jon Bible
Rick Gilpin
Patricia Hinojosa
Jim Moellinger
Bruce Youngblood