



Office of the Attorney General  
State of Texas

July 20, 1993

DAN MORALES  
ATTORNEY GENERAL

Ms. Tamara Armstrong  
Assistant County Attorney  
Travis County  
P. O. Box 1748  
Austin, Texas 78767

OR93-470

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. art. 6252-17a. Your request was assigned ID# 20486.

The Travis County Tax Assessor/Collector (the "tax office") received an open records request for "the voter registration card, form or information on file . . . of the below listed and named persons to verify both voter eligibility and residency with-in Travis County Texas." Although you acknowledge that voter registration information, which includes the voter's name and residence address, is in most instances public information,<sup>1</sup> *see* Elec. Code §§ 18.005, 18.008, you inform this office that the list of names provided by the requestor includes the names of several law enforcement officers employed by the Austin Police Department. You inquire whether those officers' home addresses come under the protection of section 3(a)(17)(A) of the Open Records Act.

Section 3(a)(17)(A) requires that governmental bodies withhold, *inter alia*, "the home addresses or home telephone numbers . . . of peace officers as defined by Article 2.12, Code of Criminal Procedure, 1965, as amended, or by Section 51.212, Texas Education Code." Unlike other public employees, a peace officer need not affirmatively claim confidentiality for this information. Open Records Decision No. 488 (1988); *see also* Open Records Decision No. 506 (1988). Accordingly, based on your representation that the names you have marked are those of Austin police officers, the tax office must

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<sup>1</sup>You note that the individual making the open records request is an inmate of the Texas Department of Criminal Justice and inquire whether the tax office should release otherwise public information in light of House Bill 2206. House Bill 2206 would have prohibited in certain instances the release of, *inter alia*, any individual's home address to an "inmate." *See* Tex. H.B.2206, 73rd Leg., R.S., § 3. House Bill 2206 was withdrawn from Senate consideration on May 29, 1993. Consequently, because this bill was never enacted, it is of no effect here.

withhold those individuals' home addresses. The tax office must release, however, the remaining information pertaining to these individuals.

You also inquire whether the tax office must withhold pursuant to section 3(a)(17)(B) the home addresses of "certified jailers." Section 3(a)(17)(B) protects

the home address, home telephone numbers, or social security numbers of *employees of the Texas Department of Criminal Justice*, or the home or employment addresses or telephone numbers or the names or social security numbers of their family members. (Emphasis added.)

The language of this section is clear: section 3(a)(17)(B) applies only to information pertaining to employees or family members of employees of the Texas Department of Criminal Justice. Because you do not contend that any of the individuals listed by the requestor are employees or family members of employees of the Texas Department of Criminal Justice, section 3(a)(17)(B) is inapplicable here. Accordingly, the tax office must release the home address of "certified jailers" unless those individuals are also "peace officers" for purposes of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Open Government Section

SG/RWP/jmn

Ref.: ID# 20486

cc: Mr. Tommy Glen Taylor  
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