



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 7, 1994

Ms. Helen M. Gros
Division Chief of General Counsel
City of Houston
Legal Department
P. O. Box 1562
Houston, Texas 77251-1562

OR94-327

Dear Ms. Gros:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, formerly V.T.C.S. article 6252-17a.¹ Your request was assigned ID# 23812.

The City of Houston Fire Department received a request for "a copy of any change in address or telephone number forms submitted by fire fighters." You do not indicate whether any such forms exist. You are concerned about the disclosure of the address and telephone numbers of fire fighters who have chosen not to allow public access to this information pursuant to section 552.024 of the Government Code.

Section 552.024(a) of the Government Code gives each employee or official of a governmental body a choice as to whether to allow public access to the person's home address and home telephone number. *See also* Gov't Code § 552.024(b) (procedures for electing to allow public access to the information). If an employee or official of a governmental body chooses not to allow public access to information pertaining to the employee's or official's home address and home telephone number in accordance with section 552.024(b), such information is protected from required public disclosure under subchapter C of chapter 552 of the Government Code. *Id.* § 552.024(c).

¹The Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the the Government Code at chapter 552. *Id.* § 1. This codification of the Open Records Act is a nonsubstantive revision. *Id.* § 47.

You have prepared a list of the names of fire fighters who have chosen not to allow public access to their home address and phone numbers. Assuming the fire fighters on that list stated their choice in accordance with section 552.024(b), you must withhold the home addresses and telephone numbers of the fire fighters on that list.² As you raise no other exception to the release of the requested information, you must release the home addresses and phone numbers of the fire fighters who chose to allow public access to such information.

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 this office.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Open Government Section

KHG/TCC/tho

Ref.: ID# 23812

Enclosures: Submitted documents

cc: Ms. Janice K. Brooks
Benefits Manager
Houston Firemen's Relief and
Retirement Fund
602 Sawyer, Suite 650
Houston, Texas 77007
(w/o enclosures)

²We note that while section 552.024(c) of the Government Code governs the release of the requested information to the *public*, a transfer of information between governmental bodies is not necessarily considered a "public" disclosure. See Attorney General Opinion JM-590 (1986) at 5; Open Records Decision No. 516 (1989) at 5. We determine here the availability of the requested information to the public, and do not address whether the release of the requested information to this requestor is a "public" disclosure or a permissible interagency transfer of information.