



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 29, 1995

Mr. Kevin McGraw
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR95-914

Dear Mr. McGraw:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34329.

The City of Waco (the "city") received a request for "all information that can be released under the open records act on Officer Carlos Collins." The requestor specifically seeks the police officer's job application, previous employer, references, polygraph and psychological test results, background checks, and the officer's photograph. You claim that all of the requested information except for the application form is excepted from disclosure under section 143.089 of the Local Government Code as applied through section 552.101 of the Government Code. As to the application form, you contend that the police officer's home address and home telephone number are excepted from disclosure under section 552.117 of the Government Code.

Section 552.117 specifically excepts from required public disclosure the home addresses and home telephone numbers of peace officers. Therefore, we agree that the city must not disclose the police officer's home address and home telephone number under section 552.117. We understand that the application form, with this information redacted, has already been released to the requestor.

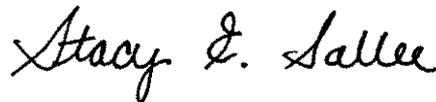
You claim that all of the other requested information is protected by section 143.089 of the Local Government Code. Section 143.089 of the Local Government Code works in conjunction with section 552.101 of the Government Code. Section 552.101 excepts from disclosure "information deemed confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 143.089 of the Local Government Code excepts from disclosure

personnel files that are maintained by the police department for its own internal use. Local Gov't Code § 143.089(g). You contend that all of the requested information other than the application form is maintained in the police department's personnel file under section 143.089(g).¹

In *City of San Antonio v. Texas Attorney General*, 851 S.W.2d 946 (Tex. App.--Austin 1993, writ denied), the court addressed a request for information contained in a city police department's internal files rather than the police officer's civil service file. The court addressed the applicability of section 143.089(g) to the internal file. The court determined that section 143.089(g) made these records confidential. *City of San Antonio*, 851 S.W.2d at 949. Since you indicate that all of the information at issue is maintained in the department's own files rather than the officer's civil service file, the city may withhold the requested information under section 552.101 of the act in conjunction with section 143.089(g) of the Local Government Code.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Government Section

SES/RHS/rho

Ref.: ID# 34329

Enclosures: Submitted documents

¹Although you did not specifically address the requested photograph, we note that section 552.119 of the Government Code specifically protects photographs of police officers from disclosure. Open Records Decision No. 502 (1988).

²We note that section 143.089(g) requires a police department who receives a request for information maintained in a file under section 143.089(g) to refer that person to the civil service director or the director's designee.

cc: Mr. Ramon Salinas
526 Austin Avenue, Suite 200
Waco, Texas 76701
(w/o enclosures)