



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 3, 1996

Ms. Amy L. Whitt  
Assistant City Attorney  
City of Lubbock  
P.O. Box 2000  
Lubbock, Texas 79457

OR96-1068

Dear Ms. Whitt:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100404.

The City of Lubbock (the "city") received a request for a list of the names and mailing addresses of the applicants in the city's most recent hiring process for police officer. You state that the city has released the names to the requestor but claim that the addresses are excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

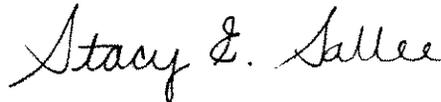
Section 552.117 of the Government Code excepts from public disclosure information relating to the home address, home telephone number, and social security number of a current or former government employee or official, as well as information revealing whether that employee or official has family members. Section 552.117 also excepts this same information about "peace officers," as that term is defined by article 2.12 of the Code of Criminal Procedure. Section 552.117 requires you to withhold this information for an official, employee, or former employee who requested that this information be kept confidential under section 552.024. *See* Open Records Decision Nos. 622 (1994), 455 (1987). You may not, however, withhold this information if the employee had not made a request for confidentiality under section 552.024 at the time this request for the documents was made. Whether a particular piece of information is public must be determined at the time the request for it is made. Open Records Decision No. 530 (1989) at 5.

The protection for peace officers' information is automatic; in other words, they need not make the election. The requested addresses for peace officers are confidential under section 552.117.

You claim that "there is great difficulty in determining with some accuracy which of the applicants have previously worked as peace officers." To the extent that the city is aware that a particular person is a peace officer, the city must withhold that person's home address under section 552.117. However, the city may not withhold all of the requested addresses merely because some of the individuals are peace officers. See Gov't Code § 552.001(b). The same is true for current or former public employees. To the extent that the city is aware that a particular person is or was a public employee and had made the election to keep the requested information confidential under section 552.024, the city must withhold that information.

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 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 Records Division

SES/ch

Ref.: ID# 100404

Enclosures: Submitted documents

cc: Mr. Mike Ahrens  
P.O. Box 851  
Atlanta, Texas 75551  
(w/o enclosures)