



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 11, 1996

Ms. Dana Womack
Assistant District Attorney
Tarrant County 401 W. Belknap
Fort Worth, Texas 76196-0201

OR96-2353

Dear Ms. Womack:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102546.

Tarrant County (the "county") received a request for the following information:

Any and all personnel records that are public information regarding former deputy sheriff Gary L. Honeycutt who worked for the Tarrant County Sheriff's Office from March 1979 to June 1980. Please indicate official date of hire, any written complaints or reprimands he received - while on or off duty - any formal disciplinary action that may have been taken against him and the reason he left the department, including any resignation letter.

You have submitted to this office for review personnel records responsive to the request. You assert that the documents are excepted from disclosure in their entirety under sections 552.101, 552.102, and 552.117 of the Government Code.

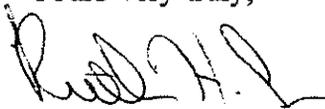
You have asserted that the personnel records at issue are excepted from disclosure on the basis of Mr. Honeycutt's common-law privacy interests. The test to determine whether information is private and excepted from disclosure under common-law privacy provisions, which are encompassed in sections 552.101 and 552.102 of the Government Code, is whether the information is (1) highly intimate or embarrassing to a reasonable person and (2) of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977); *Hubert v. Harte-Hanks Newspapers Inc.*, 652 S.W.2d 546 (Tex. App. -Austin 1983, writ ref'd n.r.e.). The records at issue relate to the qualifications and job performance of a public servant. There is a legitimate public interest in a public servant's qualifications and how he performs his job functions. Open Records Decision Nos. 470 (1987) at 4 (public has

legitimate interest in job performance of public employees); 423 (1984) at 2 (scope of public employee privacy is narrow). Thus, the personnel records at issue are not excepted from disclosure on the basis of common-law privacy.

You have informed this office that Mr. Honeycutt is a peace officer as defined by article 2.12 of the Code of Criminal Procedure. Section 552.117(2) of the Government Code provides that information relating to a peace officer's home address, home telephone number, social security number, or that reveals whether the peace officer has family members, is confidential and may not be disclosed.¹ Thus, prior to releasing the personnel records at issue, you must redact the information made confidential under section 552.117(2). We have marked this information in the documents submitted to this office.

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 may 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 102546

Enclosures: Marked documents

cc: Ms. Jennifer Autrey
Arlington Star Telegram
1111 West Abram
Arlington, Texas 76013
(w/o enclosures)

¹We note that Mr. Honeycutt also signed a form electing to keep his home address and home telephone number private.