



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 28, 1997

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

OR97-0954

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# 105195.

The City of Lubbock (the "city") received a request for three categories of information including 1) the expenditure and travel expense reports of city council members, 2) all records concerning O'Hair Shutters, and 3) all records concerning the city's energy agreement with LP&L. You state that you will release all information concerning item number 2 above. You state that you will release all information concerning item number 1, but you question whether certain specific documents fall within the request. You also explain that you will release most of the information responsive to item number 3. You claim, however, that the remaining responsive information is excepted from disclosure by sections 552.103, 552.107, and 552.111 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Initially, you question whether several documents are responsive to the request for information. The documents concern a request for reimbursement for a certain travel expense. You state that the request was denied so the information is not technically a "report of travel expenses nor is it a record of expenditure." We have stated that a governmental body must make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975). After reviewing the material, we believe that the information submitted as Exhibit B is responsive to the request for information and should be released. We note, however, that some of the material may include the home address, phone number, social security number and family information of a current or former city official or employee. It is possible that this information may be confidential under section 552.117 of the Government Code, and therefore, this specific information, depending on the specific circumstances, may not be released.

Section 552.117 of the Government Code excepts from required public disclosure the home addresses, telephone numbers, social security numbers, or information revealing

whether a public employee has family members of public employees who request that this information be kept confidential under section 552.024. Therefore, section 552.117 requires you to withhold the home telephone number or social security number of a current or former employee or official 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 the information of a current or former employee who made the request for confidentiality under section 552.024 after this request for information 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. Therefore, if the employee or official has elected to prohibit public access to this information in accordance with the procedures of section 552.024 of the Government Code, we believe that the city must withhold this information from required public disclosure pursuant to section 552.117.

As for the information you seek to withhold responsive to item number 3, you explain that this particular information is the subject of another request for a decision from this office, ID Number 97-104954. We have considered your arguments against disclosure in that matter and have issued a decision. Therefore, you should release the information at issue in conformity with our ruling in Open Records Letter Ruling No. 97-0865 (1997).

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 105195

Enclosures: Submitted documents

cc: Mr. Randy Sanders
Lubbock Avalanche-Journal
P.O. Box 491
Lubbock, Texas 79408
(w/ Open Records Letter No. 97-0865 (1997))