



March 2, 2000

Mr. John S. Schneider, Jr.
First Assistant City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501

OR2000-0842

Dear Mr. Schneider:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 134607.

The City of Pasadena (the "city") received a request for the name, birth date, salary, job title, and department of city employees. You indicate that you have released the requested information with the exception of the birth dates. You contend that this information is protected by section 552.130 of the Government Code, and that it is implicitly excepted from disclosure by section 552.022(a)(2).

Section 552.130 provides in relevant part as follows:

(a) Information is excepted from [required public disclosure] if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state[.]

We understand you to contend that the date of birth information at issue relates to driver's licenses issued by a state agency such that it is protected from disclosure by section 552.130(a)(1). We disagree. We do not believe that provisions of section 552.130 were intended by the legislature to protect date of birth information in contexts not related to motor vehicle records. The information at issue may not be withheld under these provisions.

Section 552.022(a)(2) provides that, unless confidential by law, "the name, sex, ethnicity, salary, title, and dates of employment" of governmental employees must be released to the public. You argue that the failure to include birth dates in the list of information made public by section 552.022(a)(2) implies that this information may be withheld. We disagree. Section 552.022(a)(2) does not itself except any information from disclosure. Moreover, we find no other law which protects the birth dates of city employees. You must release the requested birth dates.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

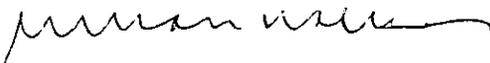
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely



William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID# 134607

Encl. Submitted documents

cc: Mr. Tony Kovaleski
Mr. Matt Goldberg
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P.O. Box 2222
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(w/o enclosures)