



October 17, 2000

Ms. Nydia D. Thomas
Staff Attorney
& Public Information Officer
Texas Juvenile Probation Commission
P. O. Box 13547
Austin, Texas 78711

OR2000-4029

Dear Ms. Thomas:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 140253.

The Texas Juvenile Probation Commission (the "commission") received a request for the e-mail addresses of all county juvenile probation offices throughout the state. You claim that the requested information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.117 of the Government Code provides that information may be withheld if it is:

information that relates to the *home* address, *home* telephone number, social security number, or that reveals whether the following person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024[.] [Emphasis added.]

Gov't Code § 552.117 (part). Section 552.117(1) excepts from required public disclosure the listed information of public employees who request that this information be kept confidential under section 552.024 of the Government Code. The information requested, and the representative sample of information you submitted for our review, all relate to *business e-mail* addresses. Section 552.117 does not except from required public disclosure any business addresses or e-mail addresses. Therefore, you may not withhold the requested information under section 552.117.

We also understand you to argue that the information is not “public information” subject to the Public Information Act, at least not in the possession of the commission, because: the commission has not been specifically statutorily authorized to publish the business e-mail addresses of the juvenile probation departments it regulates; each local juvenile probation department should have the discretion to release or challenge the release of the information; and the e-mail capability “has been utilized solely to facilitate internal communications between the [commission] and the local departments.” We disagree. Section 552.002 of the Government Code provides that information is “public information” if it is:

collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body; or
- (2) for a governmental body and the governmental body owns the information or has a right of access to it.

The commission maintains this information in connection with the transaction of official business. The information is public information, not subject to any exception to required public disclosure. The commission must release the requested information to the requestor, promptly. *See* Open Records Decision No. 664 (2000).

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).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to the General Services Commission at 512/475-2497.

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,



Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA/pr

Ref: ID#140253

Encl. Submitted documents

cc: Mr. Rafael F. Otero
5425 Plaza Drive
Texarkana, Texas 75503
(w/o enclosures)