



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 22, 2009

Mr. John Schneider
First Assistant City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501-0672

OR2009-05307

Dear Mr. Schneider:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 340693.

The City of Pasadena (the "city") received a request for the names and addresses of all current and former city employees. 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.¹

Section 552.117(a)(2) of the Government Code excepts from disclosure the home address, home telephone number, social security number, and the family member information of a peace officer as defined by article 2.12 of the Code of Criminal Procedure regardless of whether the officer requested confidentiality under sections 552.024 or 552.1175 of the Government Code. We are unable to determine from the information provided whether any of the city's current or former employees are licensed peace officers. Thus, we must rule conditionally. If any of the city's current or former employees are licensed peace officers,

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and, therefore, does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

then the city must withhold their marked information under section 552.117(a)(2), regardless of whether they elected confidentiality under 552.024. If the employees at issue are not currently licensed peace officers, then the marked information may not be withheld under section 552.117(a)(2).

Section 552.117(a)(1) of the Government Code exempts from public disclosure the present and former home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who timely request that such information be kept confidential under section 552.024 of the Government Code. We note that a post office box number is not a "home address" for purposes of section 552.117.² Whether a particular piece of information is protected by section 552.117 must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). The city may only withhold information under section 552.117(a)(1) on behalf of current or former officials or employees who made a request for confidentiality under section 552.024 prior to the date on which the request for this information was made. You have provided documentation of nine employees who elected to keep their personal information confidential prior to the date the city received the current request for information. Thus, the city must withhold the information we have marked concerning these employees under section 552.117(a)(1). The submitted information does not reflect whether the remaining employees made timely elections for confidentiality under section 552.024 of the Government Code before the city received the current request for information. If the remaining employees did make timely elections under section 552.024, the city must withhold these employees' personal information, which we have marked, under section 552.117(a)(1).

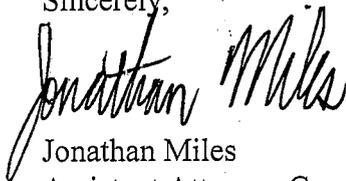
In summary, if any of the city's current or former employees are licensed peace officers, then the city must withhold their marked information under section 552.117(a)(2), regardless of whether they elected confidentiality under 552.024. The city must withhold the personal information we have marked for the nine employees who elected to keep their personal information confidential under section 552.117(a)(1) of the Government Code. Also, to the extent the remaining employees elected to keep their information confidential, the city must also withhold their information, which we have marked, under section 552.117(a)(1). The remaining information must be released.

This letter ruling is limited to the particular information 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 information or any other circumstances.

²*See* Gov't Code § 552.117; Open Records Decision No. 622 at 4 (1994) (legislative history makes clear that purpose of section 552.117 is to protect public employees from being harassed *at home*) (citing House Committee on State Affairs, Bill Analysis, H.B. 1976, 69th Leg. (1985)) (emphasis added).

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/eeg

Ref: ID# 340693

Enc. Submitted documents

c: Requestor
(w/o enclosures)