



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 27, 2009

Ms. Lori G. Aylett
Smith, Murdaugh, Little, & Bonham, LLP
1100 Louisiana Street, Suite 400
Houston, Texas 77001-5211

OR2009-05555

Dear Ms. Aylett:

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# 345734.

The Southern Montgomery County Municipal Utility District (the "district"), which you represent, received a request for three categories of information, including contact information for its elected board members. You indicate you have released information responsive to two of the three categories to the requestor. You claim that portions of the submitted board member information are excepted from disclosure under section 552.117 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.117(a)(1) excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024. 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). Therefore, the district may only withhold information under section 552.117(a)(1) on behalf of current or former officials or employees who made a

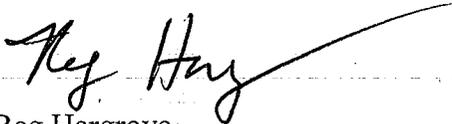
¹Although you raise section 552.024 of the Government Code as an exception to disclosure, we understand you to claim section 552.117 of the Government Code, as this is the proper exception for the substance of your argument.

request for confidentiality under section 552.024 prior to the date on which the request for this information was made. You state, and provide documentation showing, that prior to the date the information request was received, the district board members named in the request elected to keep their personal information confidential. Accordingly, we agree that you must withhold the information you have marked under section 552.117(a)(1).

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.

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,



Reg Hargrove
Assistant Attorney General
Open Records Division

RJH/eeg

Ref: ID# 345734

Enc. Submitted documents

c: Requestor
(w/o enclosures)