



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 13, 2009

Mr. Charles Wallace  
Assistant City Attorney  
City of New Braunfels  
P.O. Box 311747  
New Braunfels, Texas 78130

OR2009-06473

Dear Mr. Wallace:

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# 343063.

The City of New Braunfels (the "city") received three requests for a fire report pertaining to a specified fire. You state you have released some of the responsive information to the requestors. You claim that portions of the submitted information are excepted from disclosure under sections 552.101, 552.117, 552.1175, 552.132, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You raise section 552.101 of the Government Code against disclosure of the submitted information. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that is considered to be confidential under other constitutional, statutory, or decisional law. *See* Open Records Decision Nos. 600 at 4 (1992) (constitutional privacy), 478 at 2 (1987) (statutory confidentiality), 611 at 1 (1992) (common-law privacy). In this instance, you have not directed our attention to any law under which any of the submitted information is considered to be confidential for the purposes of section 552.101. We therefore conclude the city may not withhold any of the submitted information under section 552.101 of the Government Code.

Section 552.147 of the Government Code provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act.<sup>1</sup> Therefore, the city may withhold the emergency medical servicer’s social security number we have marked under section 552.147.

Section 552.117(a)(1) excepts from disclosure the current 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 request that this information be kept confidential under section 552.024. Gov’t Code § 552.117(a)(1). Section 552.117(a)(2) excepts from disclosure this same information regarding a peace officer, as defined by article 2.12 of the Texas Code of Criminal Procedure, regardless of whether the officer elected under section 552.024 or 552.1175 of the Government Code to keep such information confidential. Gov’t Code § 552.117(a)(2). Upon review, we find that you have failed to demonstrate the applicability of section 552.117 to any portion of the remaining information. Therefore, the city may not withhold any portion of the remaining information under section 552.117.

You also raise section 552.1175 of the Government Code, which provides in part:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure

(b) Information that relates to the home address, home telephone number, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

(1) chooses to restrict public access to the information; and

(2) notifies the governmental body of the individual’s choice on a form provided by the governmental body, accompanied by evidence of the individual’s status.

Gov’t Code § 552.1175(a)-(b). Upon review, we find that you have failed to demonstrate how any portion of the remaining information is confidential for the purposes of

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<sup>1</sup>We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person’s social security number from public release without the necessity of requesting a decision from this office under the Act.

section 552.1175. Accordingly, none of the remaining information may be withheld on this basis.

Section 552.132 of the Government Code provides in relevant part:

(b) The following information held by the crime victim's compensation division of the attorney general's office is confidential:

- (1) the name, social security number, address, or telephone number of a crime victim or claimant; or
- (2) any other information the disclosure of which would identify or tend to identify the crime victim or claimant.

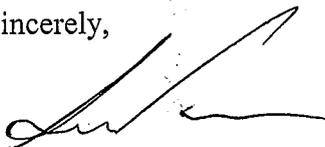
Gov't Code § 552.132(b). The submitted information is not held by the crime victim's compensation division of this office; therefore, section 552.132(b) is not applicable to this information. We therefore conclude that the city may not withhold any portion of the remaining information under section 552.132 of the Government Code.

In summary, the city may withhold the emergency medical servicer's social security number under section 552.147 of the Government Code. The remaining information must be released to the requestors.

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](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,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/eeg

Ref: ID# 343063

Enc. Submitted documents

c: Requestor (3)  
(w/o enclosures)