



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

May 22, 2009

Mr. Tom Fleming
Fleming & Mathews, P.C.
1650 Paredes Line Road, Suite 102
Brownsville, Texas 78521

OR2009-06979

Dear Mr. Fleming:

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# 346955.

The South Texas Independent School District (the "district"), which you represent, received a request for the names, addresses, telephone numbers, campus, types of position, dates of birth, and years of service with the Teacher Retirement System for all district employees who meet the Rule of 80 with twenty years or more of service. You state that you will redact social security numbers under section 552.147 of the Government Code.¹ You claim that the submitted information is excepted from disclosure under section 552.117 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

Section 552.117(a)(1) of the Government Code excepts 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

¹We 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.

²We note that although you also raise section 552.014, this section does not exist in the Act and the substance of your argument falls under section 552.117.

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 552.117.³ 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). Thus, the district must withhold the personal information of those employees who elected to keep such information confidential prior to the receipt of this request. We have marked the information that may be subject to 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.

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,



Travis Tidmore
Assistant Attorney General
Open Records Division

TT/sdk

Ref: ID# 346955

Enc: Submitted documents

c: Requestor
(w/o enclosures)

³See 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).