



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 14, 2009

Mr. Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
Attorney for City of Alvord
1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628

OR2009-14520

Dear Mr. Rodriguez:

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# 362784.

The City of Alvord (the "city"), which you represent, received a request for the resume of the city's public works director. You state you will release some information to the requestor. You claim the remaining requested information is excepted from disclosure under sections 552.101 and 552.117 of the Government Code. We have considered the exceptions 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 of the Government Code. Whether a particular piece of information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). You inform us that the employee at issue timely elected confidentiality under section 552.024. Therefore, we agree that the city must withhold the employee's home address and telephone number, which you have marked, under section 552.117(a)(1) of the Government Code.

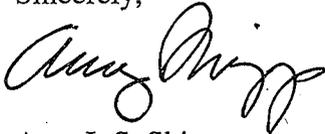
Next, we note some of the remaining information is excepted from disclosure under section 552.137 of the Government Code.¹ Section 552.137 excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). The e-mail addresses at issue is not a type specifically excluded by section 552.137(c). Thus, unless the city receives consent for its release, the marked e-mail address must be withheld under section 552.137 of the Government Code. *See id.* § 552.137(b).²

In summary, the city must withhold the home address and telephone number you have marked under section 552.117(a)(1) of the Government Code. The city also must withhold the marked e-mail address under section 552.137 of the Government Code.

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, toll free, at (888) 672-6787.

Sincerely,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/rl

¹The Office of the Attorney General will raise a mandatory exception like section 552.137 of the Government Code on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²As our ruling is dispositive, we do not address your argument under section 552.101 of the Government Code.

Ref: ID# 362784

Enc. Submitted documents

cc: Requestor
(w/o enclosures)