



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

October 23, 2009

Mr. Marcus W. Norris
City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105

OR2009-15105

Dear Mr. Norris:

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# 357875.

The City of Amarillo (the "city") received a request for a list of members of current city boards, commissions, and committees, including member names, home addresses, and titles. You claim some of the responsive information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹ We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that any person may submit comments stating why information should or should not be released).

Initially, we note the submitted lists do not contain information identifying the members' titles. We assume that, to the extent information identifying these individuals' titles existed at the time the request was received, it has been released to the requestor. If such information has not been released, then it must be released at this time. *See* Gov't Code

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.

§§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Next, you acknowledge some of the submitted addresses are not home addresses. The requestor seeks the home addresses of city board, commission, and committee members; he specifically excludes mailing addresses from the request. Thus, to the extent the listed addresses do not pertain to a city board, commission, or committee member's residence, they are unresponsive. This ruling does not address the public availability of any information that is not responsive to the request, and the city is not required to release this information in response to this request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed).

You raise section 552.117 of the Government Code for the home addresses in the responsive information. 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 of the Government Code. Gov't Code § 552.117(a)(1). The requestor asserts that city board, commission, and committee members are not "officials or employees" of the city for purposes of section 552.117, and consequently, this section is inapplicable to the members' information. In support of his argument, the requestor argues these members are volunteers appointed to advise city officials on issues related to their assigned board, commission, or committee. The requestor further argues these members are neither paid nor permitted to exercise authority over city business. In response to a request from this office for additional information, the city submitted supplemental arguments in support of its claim that city board, commission, and committee members are "officials" for purposes of section 552.117. *See id.* § 552.303(c) (attorney general may give written notice to governmental body that additional information is necessary to render a decision). Among other things, the city represents its board, commission, and committee members are subject to mandamus, and are permitted access by the city to otherwise confidential and proprietary information in the course of their duties as officials. The city also represents the meetings of the boards, commissions, and committees at issue are subject to the Open Meetings Act. Based on the city's representations and our review, we agree the members at issue are city officials.

Whether 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 do not indicate whether the officials elected to withhold their home addresses prior to the city's receipt of the request. Thus, if the officials did timely elect in accordance with section 552.024, the city must withhold the home addresses of these officials under section 552.117(a)(1). However, the home addresses of current officials who did not so elect must be released. As you raise no other exceptions to disclosure, the remaining responsive 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, toll free, at (888) 672-6787.

Sincerely,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/cc

Ref: ID# 357875

Enc. Submitted documents

cc: Requestor
(w/o enclosures)