



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 4, 2010

Ms. Cynthia M. Martinez  
Open Records Specialist  
Upper Rio Grande  
Workforce Development Board  
221 North Kansas, Suite 1000  
El Paso, Texas 79901

OR2010-08118

Dear Ms. Martinez:

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# 381589.

The Upper Rio Grande Workforce Development Board (the "board") received a request for the names, business addresses, telephone numbers, and e-mail addresses of board members, or if no business information is available, the personal addresses, telephone numbers, and e-mail addresses of board members. You claim that the submitted information is excepted from disclosure under sections 552.117 and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.117 of the Government Code excepts from disclosure the home addresses, home 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). You state that the submitted addresses are excepted from disclosure because “it cannot be said with certainty that the [listed] addresses are not personal home addresses.” However, the submitted addresses contain the names of businesses or governmental entities. Further, the submitted telephone numbers are designated as business telephone numbers. We note that section 552.117 does not protect the business address or business telephone number of a public official. *See* Gov’t Code § 552.117. Therefore, the board may not withhold any of the submitted information under section 552.117.

You seek to withhold the submitted e-mail addresses as confidential pursuant to section 552.137 of the Government Code. 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). Section 552.137 does not apply to a general business address nor to a government employee’s work e-mail address because such an address is not that of the employee as a “member of the public,” but is instead the address of the individual as a government employee. Therefore, to the extent the e-mail addresses we have marked are personal e-mail addresses, the board must withhold these e-mail addresses under section 552.137 of the Government Code, unless the owners have affirmatively consented to their public release.<sup>1</sup> We note, however, that the remaining e-mail addresses are maintained by a governmental entity for one of its employees or are general business e-mail addresses. As such, these e-mail addresses do not fall within the scope of section 552.137(a) and may not be withheld under this exception.

In summary, to the extent the e-mail addresses we have marked are personal e-mail addresses, the board must withhold these e-mail addresses under section 552.137 of the Government Code, unless the owners have affirmatively consented to their public release. 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\\_ori.php](http://www.oag.state.tx.us/open/index_ori.php),

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<sup>1</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including e-mail addresses of members of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

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,



Lauren J. Holmsley  
Assistant Attorney General  
Open Records Division

LJH/jb

Ref: ID# 381589

Enc. Submitted documents

c: Requestor  
(w/o enclosures)