



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 14, 2010

Captain Steve Greene
Liberty County Sheriff's Department
2400 Beaumont Avenue
Liberty, Texas 77575

OR2010-10442

Dear Captain Greene:

This office received a request for review of the redaction of certain information subject to the Public Information Act (the "Act"), chapter 552 of the Government Code. The request for review was assigned ID# 387674.

The Liberty County Sheriff's Department (the "department") received a request for all information relating to a particular incident and 911 call. The department released some information responsive to the request. As permitted by section 552.1175(f) of the Government Code, the department redacted information determined to be subject to section 552.1175(b) without requesting a decision from this office. Pursuant to section 552.1175(g), the requestor has asked this office to review the redacted information and render a decision as to whether it is excepted from disclosure under section 552.1175(b). We have considered the department's arguments and reviewed the redacted information.

Section 552.1175 of the Government Code provides in pertinent 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)(1), (b). Thus, if a peace officer elects to restrict access to his personal information in accordance with section 552.1175(b), the department must withhold this information from disclosure. You state the peace officer referenced in the submitted information elected to restrict access to his personal information. Therefore, the department must withhold the peace officer's home address, home telephone number, social security number, and information indicating whether the peace officer has family members. Having reviewed the department's redactions, we find the department redacted some information that is not confidential under section 552.1175(b), including ages, dates of birth, signatures, and the peace officer's name. Because this information is not excepted from disclosure, it must be released to the requestor. We have marked this information accordingly. The remaining redacted information is confidential under section 552.1175(b) and must be withheld from disclosure.¹

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,


Karen Hattaway
Assistant Attorney General
Open Records Division

KEH/sdk

¹We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies, which authorizes the withholding of ten categories of information, including Texas driver's license numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 387674

Enc. Submitted documents

c: Requestor
(w/o enclosures)