



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 19, 2010

Ms. Cary Grace
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2010-12619

Dear Ms. Grace:

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# 390963.

The City of Austin (the "city") received a request for information pertaining to a specified incident. You claim some of the requested information is excepted from disclosure under section 552.151 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.151 of the Government Code provides as follows:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.151. You state the requestor was terminated from his position with the city after he was involved in a heated verbal confrontation with a coworker. You explain that after the incident, the requestor's coworkers were asked to provide witness statements documenting the incident. You claim that the submitted witness statements and interview notes must be withheld to ensure the personal safety of these city employees. As evidence that the employees' safety is at risk, you explain that one of the employees is afraid of the requestor and two employees requested to be sent home after the incident occurred. Upon review of your arguments and the submitted information, we find the city has not adequately demonstrated that release of any portion of the submitted information would subject the city employees who provided the witness statements to a substantial threat of physical harm.

Accordingly, the city may not withhold any of the submitted information under section 552.151 of the Government Code. As you raise no further exceptions to disclosure, the submitted 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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/jb

Ref: ID# 390963

Enc. Submitted documents

c: Requestor
(w/o enclosures)