



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 30, 2010

Ms. Amy L. Sims
Assistant City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR2010-13137

Dear Ms. Sims:

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# 391910.

The City of Lubbock (the "city") received a request for a copy of a letter sent to a named city councilman by a named attorney regarding possible legal action. You claim portions of the submitted information are excepted from disclosure under sections 552.117 and 552.1175 of the Government Code. You also state release of this information may implicate the privacy interests of the named attorney. Accordingly, you notified the named attorney of this request for information and of his right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.304 (providing interested party may submit comments stating why information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

As of the date of this letter, we have not received any comments from the named attorney explaining why any portion of the submitted information should not be released to the requestor. Consequently, the city may not withhold any of the submitted information on the basis of the named attorney's interests.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, social security number, and family member information of a current

or former official or employee of a governmental body who requests that this information be kept confidential under section 552.024 of the Government Code. *Id.* § 552.117(a)(1). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may only be withheld under section 552.117(a)(1) on behalf of a current or former official or employee who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information. Information may not be withheld under section 552.117(a)(1) on behalf of a current or former official or employee who did not timely request under section 552.024 that the information be kept confidential. You state the named councilman whose home address you have marked elected to keep this information confidential prior to the date the city received the instant request. Accordingly, the city must withhold the home address you have marked under section 552.117(a)(1).

Section 552.1175 of the Government Code provides in part:

(b) Information that relates to the home address, home telephone number, or social security number of [a peace officer as defined by article 2.12 of the Code of Criminal Procedure], 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(b). You have highlighted information pertaining to a peace officer. However, the information you have highlighted does not consist of a home address, home telephone number, social security number, or family member information. Therefore, this information may not be withheld under section 552.1175.

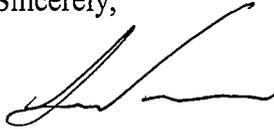
In summary, the city must withhold the city councilman's home address under section 552.117(a)(1) of the Government Code. The remaining information must be released.

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_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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/eeg

Ref: ID# 391910

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Mr. Lamar D. Treadwell
551 West Cordova Road #720
Santa Fe, New Mexico 87505
(w/o enclosures)