



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 18, 2010

Ms. Jennifer C. Cohen
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2010-15760

Dear Ms. Cohen:

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# 397182 (ORA No. 10-1749).

The Texas Department of Public Safety (the "department") received a request for the employment application and personnel information of a named employee. You indicate you have released some information with redactions pursuant to Open Records Decision No. 684 (2009) and section 552.024 of the Government Code.¹ You claim that the submitted information is excepted from disclosure under sections 552.101, 552.117, 552.130,

¹We note that Open Records Decision No. 684 serves as a previous determination to all governmental bodies authorizing them to withhold ten categories of information without the necessity of requesting an attorney general decision. Section 552.024(c) authorizes a governmental body to redact, without the necessity of requesting a decision by this office, the home address, home telephone number, social security number, and family member information of a current or former employee of the governmental body who properly elected to keep this information confidential, provided that the governmental body provides the requestor with the notice required by section 552.024(c-2). See Gov't Code § 552.024(c).

and 552.137 of the Government Code.² We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor has excluded from his request L-2 and L-3 declaration forms, family member and marital status information, financial information, medical records, fingerprints, personal automobile insurance cards, military records, birth certificates, test questions and answers, physician information, blood type, emergency contact, health insurance and retirement enrollment forms, social security numbers, dates of birth, home addresses and telephone numbers, and drivers license. Thus, such information is not responsive to the present request for information. The department need not release non-responsive information in response to this request, and this ruling will not address that information.

You seek to withhold the submitted information under section 552.101 in conjunction with section 411.00755 of the Government Code. We note this office recently issued Open Records Letter No. 2010-12863 (2010), a previous determination authorizing the department to withhold personnel records of commissioned officers of the department under section 552.101 of the Government Code in conjunction with section 411.00755 of the Government Code, unless the exceptions to confidentiality listed in subsections 411.00755(b)(1)-(12) or the release provisions listed in subsection 411.00755(c) are applicable. *See* Gov't Code § 411.00755(b)(1)-(12), (c). You indicate the submitted information does not contain any of the types of information listed in subsections 411.00755(b)(1)-(12), and there is no indication the release provisions in subsection 411.00755(c) are applicable in this instance. Therefore, pursuant to Open Records Letter No. 2010-12863, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 411.00755 of the Government Code. *See* Open Records Decision No. 673 (2001) (governmental body may rely on previous determination when elements of law, facts, and circumstances have not changed, decision concludes specific, clearly delineated category of information is excepted, and governmental body is explicitly informed it need not seek a decision from this office to withhold information in response to future requests). As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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,

²Although you raise section 552.1175 for portions of the submitted information, we note the correct exception to raise for information pertaining to an officer employed by the department is section 552.117.

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,

A handwritten signature in black ink, appearing to read "Jennifer Burnett", with a long horizontal flourish extending to the right.

Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 397182

Enc. Submitted documents

c: Requestor
(w/o enclosures)