



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 21, 2011

Mr. Todd C. Simons  
Assistant City Attorney  
City of San Angelo  
P.O. Box 1751  
San Angelo, Texas 76902

OR2011-01067

Dear Mr. Simons:

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# 406592.

The City of San Angelo (the "city") received a request for the following information: (1) the dates of employment, rate of beginning and ending pay, and service records for a named individual; and (2) all information regarding case number C-071588C. You state the city has provided to the requestor the dates of employment, rates of beginning and ending pay, and titles and dates of positions held. You claim that the submitted information is excepted from disclosure under sections 552.102 and 552.107(2) of the Government Code.<sup>1</sup> You state you have notified the named individual to whom the requested information relates pursuant to section 552.304 of the Government Code.<sup>2</sup> *See* Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for Attorney General ruling should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

Initially, you inform us the city asked the requestor to clarify the portion of the request that relates to "service records." We note that a governmental body may communicate with a

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<sup>1</sup>Although you raise section 552.101 in conjunction with a court order, we note that the proper exception to raise in this instance is section 552.107(2) of the Government Code. *See* Gov't Code § 552.107(2). Accordingly, we will consider your argument under this section.

<sup>2</sup>As of the date of this letter, we have not received any arguments from the named individual regarding the information at issue.

requestor for the purpose of clarifying or narrowing a request for information. *See id.* § 552.222(b); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding that when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-day period to request attorney general opinion is measured from date the request is clarified or narrowed). You state the city has not received a response to its request for clarification. Accordingly, we find the city has no obligation at this time to release any information that may be responsive to the portion of the request for which it has not received clarification. However, if the requestor responds to the request for clarification, the city must seek a ruling from this office before withholding any responsive information from the requestor.

Next, we note the submitted information consists of court-filed documents and a settlement agreement to which the city is a party. Information filed with a court is generally a matter of public record under section 552.022(a)(17) of the Government Code and may only be withheld if expressly confidential under other law. *See Gov't Code* § 552.022(a)(17). Under section 552.022(a)(18), a settlement agreement to which a governmental body is a party is public unless it is expressly confidential under other law. *See id.* § 552.022(a)(18). The city raises section 552.107(2), which allows a governmental body to withhold information if “a court by order has prohibited disclosure of the information.” *Id.* § 552.107(2). However, section 552.022(b) provides:

(b) A court in this state may not order a governmental body or an officer for public information to withhold from public inspection any category of public information described by Subsection (a) or to not produce the category of public information for inspection or duplication, unless the category of information is expressly made confidential under other law.

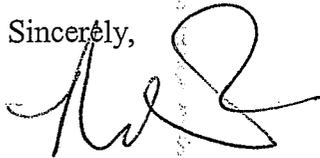
*Id.* § 552.022(b). Because section 552.022(b) prohibits a court from ordering the withholding of documents subject to section 552.022, we conclude the city may not withhold the submitted information pursuant to section 552.107(2). However, section 552.102(a) of the Government Code constitutes “other law” that makes information confidential for the purposes of section 552.022. Accordingly we will address your argument under this section for the submitted information.

Section 552.102(a) excepts from disclosure “information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” *Id.* § 552.102(a). Upon review, we find none of the submitted information is excepted under section 552.102(a) of the Government Code. Accordingly, none of the submitted information may be withheld on that basis. As no further exceptions to disclosure have been raised, the submitted information must be released to the requestor.

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](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,

A handwritten signature in black ink, appearing to read 'Nneka Kanu', written over the word 'Sincerely,'.

Nneka Kanu  
Assistant Attorney General  
Open Records Division

NK/em

Ref: ID# 406592

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)