



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 16, 2011

Mr. Don Cheatham
General Counsel
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2011-06834

Dear Mr. Cheatham:

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# 417570 (GC. No. 18358).

The City of Houston (the "city") received two requests from different requestors for information pertaining to complaints made against the first requestor over a specified time period. You claim that 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. We have also received and considered comments from the representative of both requestors. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we note the city received clarification of these requests from the representative of both requestors. *See id.* § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information). The requestors' representative has excluded from the requests for information the identities of city employees who made statements pertaining to the first requestor. Accordingly, the identities of the city employees who made statements pertaining to the first requestor are not responsive to the instant requests for information. The city need not release nonresponsive information in response to these requests, and this ruling will not address that information.

Section 552.151 of the Government Code relates to a public employee's safety and provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the

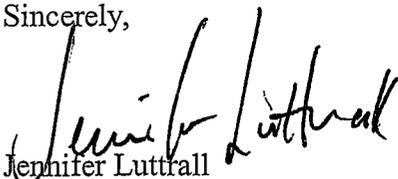
requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Id. § 552.151. In this instance, you state the first requestor allegedly threatened to do physical harm to a city employee. You explain the responsive information would reveal the identities of other city employees who provided statements regarding this incident. You assert that, because of the nature of the alleged threat at issue, release of the responsive information would cause these city employees to face a substantial threat of physical harm. Upon review, we find you have failed to demonstrate that release of the responsive information would subject these city employees to a substantial threat of physical harm. Therefore, we conclude section 552.151 is inapplicable to the responsive information, and the city may not withhold any portion of the responsive information on that basis. As you raise no other argument against disclosure, the responsive 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,



Jennifer Luttrall

Assistant Attorney General
Open Records Division

JL/dls

Ref: ID# 417570

Enc. Submitted documents

c: Requestors
(w/o enclosures)