



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 13, 2011

Ms. Traci Graham
Administrative Assistant
Taylor County
300 Oak Street, Suite 205
Abilene, Texas 76902

OR2011-08362

Dear Ms. Graham:

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#:420297.

Taylor County (the "county") received two requests for the name, salary or wage, and job title for each county employee. The first requestor additionally seeks the departmental assignment and date of hire for each employee, as well as the above information for each elected county official. You claim portions of the requested information are excepted from disclosure under sections 552.108 and 552.151 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

Initially, we note the county redacted the portions of the submitted information it seeks to withhold. You do not assert, and the records do not indicate, that the county has been authorized to withhold the redacted names without seeking a ruling from this office. *See* Gov't Code § 552.301(2); Open Records Decision 673 (2000). In this instance, we can discern the nature of the redacted information; thus, being deprived of that information does

¹Although you actually cite to section "552.15", based on your arguments we understand the county to raise section 552.151 of the Government Code.

²We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

not inhibit our ability to make a ruling. However, in the future, the county must not redact requested information that it submits to this office in seeking an open records ruling, unless the information is the subject of a previous determination under section 552.301 of the Government Code. *See* Gov't Code §§ 552.301(e)(1)(D), .302. Failure to comply with section 552.301 may result in the information being presumed public under section 552.302 of the Government Code. *See id.* § 552.302.

Section 552.151 of the Government Code 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. You inform us that the names you seek to withhold under section 552.151 are county undercover law enforcement officials. You represent release of this information would subject these undercover officers "to a substantial threat of physical harm." Based on your representations, we conclude you have demonstrated that release of the information you seek to withhold would subject the officers to a substantial threat of physical harm. Therefore, we conclude the county must withhold the names of county undercover law enforcement officials under section 552.151 of the Government Code. As our ruling is dispositive, we need not address your remaining raised exception to 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, 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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/em

Ref: ID# 420297

Enc. Submitted documents

c: Requestor
(w/o enclosures)