



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 17, 2011

Ms. Dori Wind
Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002

OR2011-08679

Dear Ms. Wind:

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# 422289 (C.A. File No. LNF0025).

The Harris County Sheriff's Office (the "sheriff") received a request for the personnel file of a named sheriff employee. You state some information has been released to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.108, 552.117, 552.1175, 552.136, 552.137, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information, part of which is a representative sample.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 6103(a) of title 26 of the United States Code. Section 6103(a) renders tax return information confidential. Attorney General Opinion H-1274 (1978) (tax returns); Open Records Decision No. 600 (1992) (W-4 forms). Section 6103(b) defines the term "return information" as a taxpayer's "identity, the nature, source, or amount of his income[.]"

¹We assume the "representative sample" of information 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 those records contain substantially different types of information than those submitted to this office.

See 26 U.S.C. § 6103(b)(2)(A). Federal courts have construed the term "return information" expansively to include any information gathered by the Internal Revenue Service regarding a taxpayer's liability under title 26 of the United States Code. See *Mallas v. Kolak*, 721 F. Supp. 748, 754 (M.D.N.C. 1989), aff'd in part, 993 F.2d 1111 (4th Cir. 1993). Consequently, the sheriff must withhold the W-4 form we have marked under section 552.101 in conjunction with section 6103(a) of title 26 of the United States Code.

Section 552.101 of the Government Code also encompasses the Medical Practice Act (the "MPA"), subtitle B of title 3 of the Occupations Code. See Occ. Code §§ 151.001-165.160. Section 159.002 of the MPA provides in part:

- (a) A communication between a physician and a patient, relative to or in connection with any professional services as a physician to the patient, is confidential and privileged and may not be disclosed except as provided by this chapter.
- (b) A record of the identity, diagnosis, evaluation, or treatment of a patient by a physician that is created or maintained by a physician is confidential and privileged and may not be disclosed except as provided by this chapter.
- (c) A person who receives information from a confidential communication or record as described by this chapter, other than a person listed in Section 159.004 who is acting on the patient's behalf, may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was first obtained.

Id. § 159.002(a)-(c). Information subject to the MPA includes both medical records and information obtained from those medical records. See *id.* §§ 159.002, .004; Open Records Decision No. 598 (1991). This office has concluded the protection afforded by section 159.002 extends only to records created by either a physician or someone under the supervision of a physician. See Open Records Decision Nos. 487 (1987), 370 (1983), 343 (1982). Upon review, we find the information we marked constitutes information obtained from a medical record. Accordingly, the sheriff may only release the marked information in accordance with the MPA. However, no portion of the remaining information constitutes a medical record subject to the MPA. Consequently, none of the remaining information may be withheld pursuant to the MPA.

You also raise section 552.101 of the Government Code in conjunction with section 1701.306 of the Occupations Code. Section 1701.306 pertains to an L-2 Declaration of Medical Condition and an L-3 Declaration of Psychological and Emotional Health required by the Texas Commission on Law Enforcement Officer Standards and Education ("TCLEOSE"); Section 1701.306 provides as follows:

- (a) [TCLEOSE] may not issue a license to a person as an officer or county jailer unless the person is examined by:

(1) a licensed psychologist or by a psychiatrist who declares in writing that the person is in satisfactory psychological and emotional health to serve as the type of officer for which a license is sought; and

(2) a licensed physician who declares in writing that the person does not show any trace of drug dependency or illegal drug use after a physical examination, blood test, or other medical test.

(b) An agency hiring a person for whom a license as an officer or county jailer is sought shall select the examining physician and the examining psychologist or psychiatrist. The agency shall prepare a report of each declaration required by Subsection (a) and shall maintain a copy of the report on file in a format readily accessible to the commission. A declaration is not public information.

Occ. Code § 1701.306(a), (b). Upon review, we find none of the remaining information consists of an L-2 or L-3 declaration. Accordingly, none of the remaining information is confidential under section 1701.306, and the sheriff may not withhold it under section 552.101 on that ground.

Section 552.101 of the Government Code also encompasses section 1701.454 of the Occupations Code, which governs the release of reports or statements submitted to TCLEOSE. Section 1701.454 provides as follows:

(a) A report or statement submitted to [TCLEOSE] under this subchapter is confidential and is not subject to disclosure under Chapter 552, Government Code, unless the person resigned or was terminated due to substantiated incidents of excessive force or violations of the law other than traffic offenses.

(b) Except as provided by this subchapter, a [TCLEOSE] member or other person may not release the contents of a report or statement submitted under this subchapter.

Id. § 1701.454. Upon review, however, we find none of the remaining information consists of an F-5 form. Therefore, the sheriff may not withhold any of the remaining information under section 552.101 in conjunction with section 1701.454.

Section 552.101 of the Government Code also encompasses section 1703.306 of the Occupations Code. Section 1703.306 provides as follows:

(a) A polygraph examiner, trainee, or employee of a polygraph examiner, or a person for whom a polygraph examination is conducted or an employee of the person, may not disclose information acquired from a polygraph examination to another person other than:

- (1) the examinee or any other person specifically designated in writing by the examinee;
- (2) the person that requested the examination;
- (3) a member, or the member's agent, of a governmental agency that licenses a polygraph examiner or supervises or controls a polygraph examiner's activities;
- (4) another polygraph examiner in private consultation; or
- (5) any other person required by due process of law.

(b) The [Texas Department of Licensing and Regulation] or any other governmental agency that acquires information from a polygraph examination under this section shall maintain the confidentiality of the information.

(c) A polygraph examiner to whom information acquired from a polygraph examination is disclosed under Subsection (a)(4) may not disclose the information except as provided by this section.

Id. § 1703.306. Some of the remaining information, which we have marked, consists of information acquired from a polygraph examination subject to section 1703.306. The requestor does not appear to fall into any of the categories of individuals who are authorized to receive the polygraph information under section 1703.306(a). Accordingly, the sheriff must withhold the marked polygraph information under section 552.101 in conjunction with section 1703.306 of the Occupations Code. However, none of the remaining information is confidential under section 1703.306 and may not be withheld under section 552.101 on that basis.

Section 552.101 of the Government Code also encompasses chapter 411 of the Government Code, which makes confidential criminal history record information ("CHRI") generated by the National Crime Information Center ("NCIC") or by the Texas Crime Information Center ("TCIC"). *See* Gov't Code § 411.083(a). Title 28, part 20 of the Code of Federal Regulations governs the release of CHRI states obtain from the federal government or other states. Open Records Decision No. 565 (1990). The federal regulations allow each state to follow its individual laws with respect to the CHRI it generates. *See id.* Section 411.083 of the Government Code deems confidential CHRI the Department of Public Safety ("DPS") maintains, except DPS may disseminate this information as provided in chapter 411, subchapter F of the Government Code. *See* Gov't Code § 411.083. Sections 411.083(b)(1) and 411.089(a) authorize a criminal justice agency to obtain CHRI; however, a criminal justice agency may not release CHRI except to another criminal justice agency for a criminal justice purpose. *Id.* § 411.089(b)(1). Other entities specified in chapter 411 of the Government Code are entitled to obtain CHRI from DPS or another criminal justice agency; however, those entities may not release CHRI except as provided by chapter 411. *See*

generally id. §§ 411.090-.127. Thus, any CHRI generated by the federal government or another state may not be made available to the requestor except in accordance with federal regulations. *See* ORD 565. Furthermore, any CHRI obtained from DPS or any other criminal justice agency must be withheld under section 552.101 in conjunction with chapter 411, subchapter F of the Government Code. *See id.* § 411.082(2)(B) (term CHRI does not include driving record information). However, section 411.083 does not apply to active warrant information or other information relating to one's current involvement with the criminal justice system. *See id.* § 411.081(b) (police department allowed to disclose information pertaining to person's current involvement in the criminal justice system). The remaining information contains CHRI that is confidential under chapter 411. Thus, the sheriff must withhold this information, which we have marked, under section 552.101 in conjunction with chapter 411 and federal law. However, you have not demonstrated the remaining information constitutes CHRI for purposes of chapter 411 and none of the remaining information may be withheld under section 552.101 on that basis.

We understand you to assert the remaining information obtained by the sheriff from DPS, NCIC, and TCIC is confidential under the doctrine of intergovernmental transfer. This doctrine provides information may be transferred between governmental bodies without violating its confidential character on the basis of a recognized need to maintain an unrestricted flow of information between governmental bodies. *See* Attorney General Opinion. No. GA-0055 (2003); Open Records Decision Nos. 680 at 7 (2003), 667 at 3-4 (2000). Generally, if confidentiality provisions or another statute specifically authorize release of information under certain circumstances or to particular entities, then the information may be released or transferred only in accordance with the particular statute. *See* Open Records Decision No. 655 (1997) (because statute permitted DPS to transfer confidential criminal history information only to certain entities for certain purposes, county could not obtain information from the department regarding applicants for county employment). However, the intergovernmental transfer doctrine itself does not make information confidential. As previously discussed, none of the remaining information is confidential under chapter 411 of the Government Code. Further, you do not inform our office of another provision or statute under which you have obtained this information. Accordingly, none of the remaining information may be withheld on the basis of intergovernmental transfer.

Section 552.101 of the Government Code also encompasses section 560.003 of the Government Code, which provides "[a] biometric identifier in the possession of a governmental body is exempt from disclosure under [the Act]." Gov't Code § 560.003; *see id.* § 560.001(1) ("biometric identifier" means retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry). The remaining information contains fingerprints. There is no indication the requestor has a right of access to the fingerprints under section 560.002. *See id.* § 560.002(1)(A) (governmental body may not sell, lease, or otherwise disclose individual's biometric identifier to another person unless the individual consents to disclosure). Therefore, the sheriff must withhold the fingerprints we have marked under section 552.101 in conjunction with section 560.003.

The sheriff contends the remaining information is protected by the doctrine of common-law privacy, which is also encompassed by section 552.101 of the Government Code. Common-law privacy protects information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976).

The sheriff contends some of the remaining information is protected by common-law privacy on the basis of *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.—El Paso 1992, writ denied). In *Morales v. Ellen*, the court applied common-law privacy to records of an investigation of alleged sexual harassment in the workplace. As the remaining information does not include records of such an investigation, the sheriff may not withhold any of the information at issue under section 552.101 in conjunction with common-law privacy on the basis of *Morales v. Ellen*.

In *Industrial Foundation*, the Texas Supreme Court also considered intimate or embarrassing information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. 540 S.W.2d at 683. This office has found a compilation of an individual's criminal history is highly embarrassing information, the publication of which would be highly objectionable to a reasonable person. *Cf. U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 764 (1989) (when considering prong regarding individual's privacy interest, court recognized distinction between public records found in courthouse files and local police stations and compiled summary of information and noted that individual has significant privacy interest in compilation of one's criminal history). Furthermore, we find a compilation of a private citizen's criminal history is generally not of legitimate concern to the public. Additionally, this office has also found personal financial information not relating to a financial transaction between an individual and a governmental body is generally protected by common-law privacy. *See* Open Records Decision No. 545 (1990) (deferred compensation information, participation in voluntary investment program, election of optional insurance coverage, mortgage payments, assets, bills, and credit history). Likewise, the details of an employee's enrollment in a group insurance program, the designation of the beneficiary of an employee's retirement benefits, and an employee's authorization of direct deposit of the employee's salary are protected by common-law privacy. *See* ORD 600 at 9-12.

However, we also note the public has a legitimate interest in knowing the general details of a crime. *See generally Lowe v. Hearst Communications, Inc.*, 487 F.3d 246, 250 (5th Cir. 2007) (noting a "legitimate public interest in facts tending to support an allegation of criminal activity" (*citing Cinel v. Connick*, 15 F.3d 1338, 1345-46 (1994))); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 186-187 (Tex. Civ. App.—Houston [14th Dist.] 1975) (public has legitimate interest in details of crime and police efforts to combat crime in community), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Furthermore, there is a legitimate public interest in the essential facts about a financial transaction between an individual and a governmental body. *See* ORD 600 at 9

(information revealing that employee participates in group insurance plan funded partly or wholly by governmental body is not excepted from disclosure); *see also* Open Decision Nos. 545 (financial information pertaining to receipt of funds from governmental body or debts owed to governmental body not protected by common law privacy), 523 (1989). Additionally, the work behavior of a public employee and the conditions for his or her continued employment are generally matters of legitimate public interest not protected by the common-law right of privacy. *See* Open Records Decision Nos. 438 (1986). Similarly, information about a public employee's qualifications, disciplinary action and background is not protected by common-law privacy. *See* Open Records Decision Nos. 444 at 5-6 (1986) (public has interest in public employee's qualifications and performance and the circumstances of his resignation or termination), 405 at 2-3 (1983) (public has interest in manner in which public employee performs his job), 329 at 2 (1982) (information relating to complaints against public employees and discipline resulting therefrom is not protected under former section 552.101), 208 at 2 (1978) (information relating to complaint against public employee and disposition of the complaint is not protected under either the constitutional or common-law right of privacy).

Upon review, we conclude some of the remaining information is highly intimate or embarrassing and of no legitimate public concern. Thus, the sheriff must withhold the information we have marked under section 552.101 in conjunction with common-law privacy. However, none of the remaining information is highly intimate or embarrassing and a matter of no legitimate public concern. We therefore conclude the sheriff may not withhold any of the remaining information under section 552.101 in conjunction with common-law privacy.

You claim the remaining information is excepted from disclosure under section 552.102 of the Government Code. 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." Gov't Code § 552.102(a). The Texas Supreme Court recently held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, No. 08-0172, 2010 WL 4910163 (Tex. Dec. 3, 2010). Having carefully reviewed the information at issue, we have marked the information that must be withheld under section 552.102(a) of the Government Code. The remaining information is not excepted under section 552.102(a) and may not be withheld on that basis.

The sheriff raises section 552.108(b)(2) of the Government Code for the remaining information. Section 552.108(b)(2) excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if . . . the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication[.]" Gov't Code § 552.108(b)(2). A governmental body claiming section 552.108(b)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e) (governmental body must provide comments explaining

why exceptions raised should apply to information requested). We note section 552.108 is generally not applicable to records of an internal affairs investigation that is purely administrative in nature and does not involve the investigation or prosecution of crime. *See City of Fort Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no pet.); *Ellen*, 840 S.W.2d at 525-26 (statutory predecessor to section 552.108 not applicable to internal investigation that did not result in criminal investigation or prosecution). The records at issue are personnel documents maintained by the sheriff for administrative purposes. In this instance, you generally state “[t]here are unsustained criminal investigations/criminal conduct included within these records which should be excepted from disclosure [as] they did not result in conviction or deferred adjudication.” However, you have not identified which of the submitted documents relate to criminal investigations that have concluded in a final result other than a conviction or deferred adjudication. *See* Gov’t Code § 552.301(e)(2) (governmental body must label copy of requested information to indicate which exceptions apply to which parts of the copy). Accordingly, you have failed to demonstrate section 552.108(b)(2) applies. Thus, the sheriff may not withhold any portion of the remaining information under section 552.108(b)(2).

Section 552.117(a)(2) of the Government Code excepts from public disclosure the home addresses, home telephone numbers, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code.² *Id.* § 552.117(a)(2). We note section 552.117 also encompasses a personal cellular telephone number, if the officer personally pays for the service. *See* Open Records Decision No. 506 at 5-6 (1998) (statutory predecessor to section 552.117 not applicable to cellular telephone numbers provided and paid for by governmental body and intended for official use). We have marked the personal information of the named sheriff employee and the social security number of another individual. We are unable to determine if the other individual is also a current or former sheriff employee. If the individuals whose information is at issue are currently licensed peace officers as defined by article 2.12, and in addition the other individual is a current or former sheriff employee, the sheriff must withhold the personal information we have marked under section 552.117(a)(2); however, the sheriff must only withhold the named sheriff employee’s cellular telephone number if he pays for the cellular telephone service with personal funds. If the individuals are not currently licensed peace officers or the other individual whose social security number is at issue is not a current or former sheriff employee, their personal information may not be withheld under section 552.117(a)(2).

However, if the named sheriff employee is not a licensed peace officer and the other individual is not a licensed peace officer, but is a current or former sheriff employee, then their personal information may be subject to section 552.117(a)(1) of the Government Code. Section 552.117(a)(1) excepts from disclosure the home addresses and telephone numbers, social security number, and family member information of a current or former employee of

²“Peace officer” is defined by article 2.12 of the Texas Code of Criminal Procedure.

a governmental body who requests this information be kept confidential under section 552.024. *See 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 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. You have provided documentation showing the named sheriff employee whose information is at issue timely elected confidentiality for his personal information. Therefore, the sheriff must withhold this employee's information, which we have marked, under section 552.117(a)(1); however, the sheriff may only withhold his cellular telephone number if he pays for the cellular telephone service with personal funds. If the other individual whose social security number is at issue is a former or current employee of the sheriff and timely elected confidentiality under section 552.024, the sheriff must withhold his personal information, which we have marked, under section 552.117(a)(1). The sheriff may not withhold this information under section 552.117(a)(1) if this individual is not a current or former sheriff employee or did not timely elect to keep his social security number confidential.

You claim some of the remaining information consists of the personal information of a peace officer subject to section 552.1175 of the Government Code, which, in part, applies to information pertaining to peace officers the sheriff does not hold in an employment context. Section 552.1175 provides in part:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure;

...

(b) Information that relates to the home address, home telephone number, or social security number of an individual to whom this section applies, 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.

Id. § 552.1175(a), (b). If the individual whose social security number we have marked is not a current or former employee of the sheriff but is a licensed peace officer as defined by article 2.12, the sheriff must withhold his marked social security number under

section 552.1175 if the individual elects confidentiality in accordance with section 552.1175(b). None of the remaining information contains the personal information of a peace officer not held by the sheriff in an employment context. Thus, no portion of the remaining information may be withheld under section 552.1175.

You raise section 552.147 of the Government Code for some of the remaining information. This section provides “[t]he social security number of a living person is excepted” from required public disclosure under the Act. *Id.* § 552.147. To the extent sections 552.117 and 552.1175 of the Government Code do not apply to the other individual’s social security number, the sheriff may withhold this social security number under section 552.147. Additionally, the sheriff may withhold the social security numbers of private individuals within the remaining information under section 552.147.³

We note some of the remaining information is subject to section 552.130 of the Government Code.⁴ Section 552.130 excepts from disclosure “information [that] relates to . . . a motor vehicle operator’s or driver’s license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state[.]” *Id.* § 552.130(a)(1)-(2). The sheriff must withhold the Texas motor vehicle record information we have marked under section 552.130.

Section 552.136 of the Government Code provides “[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential. *Id.* § 552.136(b). An access device number is one that may be used to “(1) obtain money, goods, services, or another thing of value; or (2) initiate a transfer of funds other than a transfer originated solely by paper instrument,” and includes an account number. *Id.* § 552.136(a). We have marked an insurance policy number the sheriff must withhold under section 552.136. We note you have failed to demonstrate the remaining information contains credit card, debit card, charge card, or access device numbers for the purposes of section 552.136. We therefore conclude the sheriff may not withhold any of the remaining information under section 552.136.

Section 552.137 of the Government Code excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See id.* § 552.137(a), (b). We

³We note section 552.147(b) of the Government Code authorizes a governmental body to redact a living person’s social security number from public release without the necessity of requesting a decision from this office under the Act. *See Gov’t Code* § 552.147.

⁴The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

have marked personal e-mail addresses the sheriff must withhold under section 552.137, unless their owners affirmatively consent to their release.

In summary, the sheriff must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 6103(a) of title 26 of the United States Code. The sheriff may only release the information we have marked in accordance with the MPA. The sheriff must withhold the information we have marked under section 552.101 in conjunction with (1) section 1703.306 of the Occupations Code; (2) chapter 411 and federal law; (3) section 560.003 of the Government Code; and (4) common-law privacy. The sheriff must also withhold the information we have marked under section 552.102(a) of the Government Code. If the individuals whose information is at issue are currently licensed peace officers as defined by article 2.12, and one of the individuals is a current or former sheriff employee, the sheriff must withhold the personal information we have marked under section 552.117(a)(2) of the Government Code. If the named sheriff employee is not a licensed peace officer, then the sheriff must withhold the personal information we have marked under section 552.117(a)(1) of the Government Code. To the extent the other individual whose social security number is at issue is a current or former sheriff employee who timely elected confidentiality under section 552.024 of the Government Code, the sheriff must withhold the marked social security number under section 552.117(a)(1) of the Government Code. If the individual whose social security number is at issue is not a current or former sheriff employee but is a licensed peace officer, the sheriff may withhold the marked social security number under section 552.1175 of the Government Code if the individual elects confidentiality in accordance with section 552.1175(b) of the Government Code. If sections 552.117 and 552.1175 of the Government Code do not apply to the individual whose social security number is at issue, the sheriff may withhold the marked social security number under section 552.147 of the Government Code. The sheriff may withhold the social security numbers of the private individuals under section 552.147 of the Government Code. The sheriff must also withhold the information we have marked under sections 552.130 and 552.136 of the Government Code. The sheriff must also withhold the marked e-mail addresses under section 552.137 of the Government Code, unless their owners consent to their release⁵ The remaining information must be released.

⁵In Open Records Decision No. 684 (2009), this office issued a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including: a direct deposit authorization form under section 552.101 of the Government Code in conjunction with common-law privacy; W-4 forms under section 552.101 in conjunction with section 6103(a) of title 26 of the United States Code; fingerprints under section 552.101 of the Government Code in conjunction with section 560.003 of the Government Code; a Texas license driver's license number, a copy of a Texas driver's license, and a Texas license plate number under section 552.130 of the Government Code; an insurance policy number under section 552.136 of the Government Code; and e-mail addresses of members of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

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/bs

Ref: ID# 422289

Enc. Submitted documents

c: Requestor
(w/o enclosures)