



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 19, 2011

Ms. P. Armstrong
Assistant City Attorney
Criminal Law and Police Division
1400 South Lamar
Dallas, Texas 75215

OR2011-12050

Dear Ms. Armstrong:

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# 427478 (ORR# 2011-4771).

The Dallas Police Department (the "department") received a request for electronic communications, including attachments, to or from a named department officer during a specified time period. You claim the submitted information is excepted from disclosure under sections 552.117, 552.136, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Section 552.117(a)(2) of the Government Code excepts from public disclosure the home addresses, home telephone numbers, emergency contact information, 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 section 552.024 or section 552.1175 of the Government Code.² Act of May 24, 2011, 82nd Leg., R.S.,

¹We 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 those records contain substantially different types of information than that submitted to this office.

²"Peace officer" is defined by Article 2.12 of the Texas Code of Criminal Procedure.

S.B. 1638, § 2 (to be codified as an amendment to Gov't Code § 552.117(a)). Upon review, we agree the department must withhold the information you have marked, and the additional information we have marked, under section 552.117(a)(2) of the Government Code.³

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.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Accordingly, the department must withhold the credit card number you have marked under section 552.136 of the Government Code.

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* Gov’t Code § 552.137(a)-(c). We note an e-mail address “provided to a governmental body on a letterhead, coversheet, printed document, or other document made available to the public” is specifically excluded from the confidentiality provisions of section 552.137(a) by section 552.137(c)(4). *Id.* § 552.137(c)(4). You have marked an e-mail address that is of a type specifically excluded by section 552.137(c) and information that does not consist of an e-mail address. Accordingly, with the exception of this information, a representative sample of which we have marked for release, the department must withhold the personal e-mail addresses you have marked, in addition to the e-mail addresses we have marked, under section 552.137, unless the owners affirmatively consent to their release.

In summary, the department must withhold the information you have marked, and the additional information we have marked, under section 552.117(a)(2) of the Government Code. The department must withhold the credit card number you have marked under section 552.136 of the Government Code. Except for the information we have marked for release, the department must withhold the personal e-mail addresses you have marked, in addition to the e-mail address we have marked, under section 552.137 of the Government Code, unless the owners affirmatively consent to their release.⁴ The department must release the remaining information.

³The previous determination issued in Open Records Decision No. 670 (2001) authorizes a governmental body to withhold the home addresses and telephone numbers, personal pager and cellular telephone numbers, social security numbers, and family member information of its peace officers under section 552.117(a)(2) of the Government Code without the necessity of requesting an attorney general decision.

⁴We note Open Records Decision No. 684 (2009) is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a credit card number under section 552.136 of the Government Code and an e-mail address of a member 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,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/em

Ref: ID# 427478

Enc. Submitted documents

c: Requestor
(w/o enclosures)