



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 7, 2011

Mr. Ryan S. Henry
Ms. Jennafer G. Tallant
For Dallas County Hospital District
Denton, Navarro, Rocha & Bernal
2517 North Main Avenue
San Antonio, Texas 78212-4685

OR2011-18041

Dear Mr. Henry and Ms. Tallant:

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# 438182.

The Dallas County Hospital District d/b/a Parkland Health and Hospital System (the "district"), which you represent, received a request for a spreadsheet of all district employees, including full names, job titles, pay rate, gender, race, hire dates, employee ID numbers, and work telephone numbers.¹ You state you will release some information to the requestor and, pursuant to the requestor's clarification, redact information for employees whose information this office has previously determined is excepted from disclosure under

¹We note the district sought and received clarification of the request. See Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information). See also *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

section 552.150 of the Government Code.² You claim the submitted information is excepted from disclosure under section 552.150 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.150 of the Government Code provides as follows:

(a) Information in the custody of a hospital district that relates to an employee or officer of the hospital district is excepted from the requirements of Section 552.021 if:

(1) it is information that, if disclosed under the specific circumstances pertaining to the individual, could reasonably be expected to compromise the safety of the individual, such as information that describes or depicts the likeness of the individual, information stating the times that the individual arrives at or departs from work, a description of the individual's automobile, or the location where the individual works or parks; and

(2) the employee or officer applies in writing to the hospital district's officer for public information to have the information withheld from public disclosure under this section and includes in the application:

(A) a description of the information; and

(B) the specific circumstances pertaining to the individual that demonstrate why disclosure

²We note you have indicated on the submitted information that some of the requested information was the subject of previous requests for information, as a result of which this office issued Open Records Letter Nos. 2010-02881 (2010) and 2010-16352 (2010). In addition, this office also issued Open Records Letter Nos. 2011-03032(2011) and 2011-17379 (2011) in response to requests for similar information pertaining to the district's employees and nurses. In those decisions, we ruled the district must withhold portions of the information at issue under sections 552.117 and 552.150 of the Government Code and other portions of the information because the question of the required disclosure of the information is before the court in litigation the district brought against this office. *See Dallas County Hosp. Dist. v. Abbott*, No. D-1-GN-10-000812 (353rd Dist. Ct., Travis County, Tex.). As we have no indication the law, facts, and circumstances on which the prior rulings were based have changed, the district must continue to rely on these rulings as previous determinations and withhold or release the information in accordance with Open Records Letter Nos. 2010-02881, 2010-16352, 2011-03032, and 2011-17379. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

of the information could reasonably be expected to compromise the safety of the individual.

(b) On receiving a written request for information described in an application submitted under Subsection (a)(2), the officer for public information shall:

(1) request a decision from the attorney general in accordance with Section 552.301 regarding withholding the information; and

(2) include a copy of the application submitted under Subsection (a)(2) with the request for the decision.

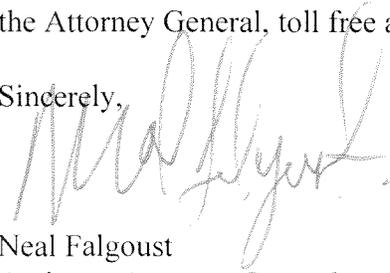
Gov't Code § 552.150. Section 552.150 provides that information held by a hospital district relating to a hospital district employee or officer is excepted from public disclosure provided (1) it is information that, if disclosed under the specific circumstances pertaining to the individual, could reasonably be expected to compromise the safety of the individual; and (2) the employee or officer makes a written application in accordance with section 552.150(a)(2) to the hospital district's officer for public information to have the information withheld from public disclosure under this section. *Id.* The individual's application must include a description of the information at issue and the specific circumstances pertaining to the individual that demonstrate why disclosure of the information could reasonably be expected to compromise his or her safety. *Id.*

You state the district has provided all employees notice of this request and of their ability to claim a section 552.150 exception. You further state that should an employee fail to respond to the notice, the district will promptly release this information to the requestor. Upon review and consideration of the applications provided to the district by each employee who sought the protection of information, we determine some of the employees whose information was not subject to Open Records Letter Nos. 2010-02881, 2010-16352, 2011-03032, and 2011-17379 have described specific circumstances pertaining to the individual establishing that release of their names could "reasonably be expected to compromise the safety of the individual." *See id.* § 552.150(a)(1). Therefore, the district must withhold the names of the employees we have indicated under section 552.150 of the Government Code. However, we find neither the district nor the remaining employees have established that release of their information could "reasonably be expected to compromise the safety of the individual." *See id.* Therefore, the district may not withhold any of the remaining information at issue under section 552.150 of the Government Code.

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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/agn

Ref: ID# 438182

Enc. Submitted documents

c: Requestor
(w/o enclosures)