



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 22, 2012

Mr. Benjamin Sampract
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, Third Floor
Fort Worth, Texas 76102

OR2012-04250

Dear Mr. Sampract:

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# 448961 (PIR No. W014020).

The City of Fort Worth (the "city") received a request for a specified police report. You claim some of the requested information is excepted from disclosure under section 552.152 of the Government Code.¹ We have considered the exception you claim and reviewed the information you submitted.

Section 552.152 of the Government Code provides as follows:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] 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.

Gov't Code § 552.152. You have marked the information the city seeks to withhold under section 552.152. You state the marked information identifies a city police officer who was working undercover and who frequently works in an undercover capacity. You seek to

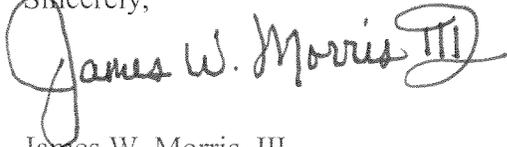
¹Although you claim section 552.151 of the Government Code for the information at issue, we note the 82nd Texas Legislature renumbered section 552.151 as section 552.152 of the Government Code. *See* Act of May 9, 2011, 82nd Leg., R.S., S.B. 1303, § 27.001(20).

withhold the officer's name and identification number. You contend release of the officer's identity would not only compromise his effectiveness as an undercover officer but also would expose him to a substantial threat of being physically harmed by suspects and persons he has assisted in arresting or convicting. Based on your representations and our review, we conclude the city must withhold the information you have marked under section 552.152 of the Government Code. The rest of the submitted information must be released.²

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,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

²We note the remaining information includes the requestor's driver's license and Texas license plate numbers, which are excepted from public disclosure under section 552.130 of the Government Code; his account number, which is excepted under section 552.136 of the Government Code; his e-mail address, which is excepted under section 552.137 of the Government Code, and his social security number, which is excepted under section 552.147 of the Government Code. Because these exceptions protect privacy, the requestor has a right of access to his driver's license, license plate, account and social security numbers under section 552.023 of the Government Code and to his e-mail address under section 552.137(b). See Gov't Code §§ 552.023(a), .137(b); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). We note the city is now authorized to redact the requestor's driver's license number under section 552.130(c) and his account number under section 552.136(c) without the necessity of requesting a decision under the Act. See Gov't Code §§ 552.130(c)-(e), .136(c)-(e). We also note Open Records Decision No. 684 (2009) is a previous determination issued by this office authorizing all governmental bodies to withhold a Texas license plate number under section 552.130 and an e-mail address of a member of the public under section 552.137 without requesting a decision. Additionally, section 552.147(b) authorizes a governmental body to redact a living person's social security number from public release without requesting a decision. Thus, should the city receive another request for the submitted information from a different requestor, the city is authorized to withhold the requestor's driver's license number, Texas license plate number, account number, e-mail address, and social security number without requesting another ruling.

Ref: ID# 448961

Enc: Submitted documents

c: Requestor
(w/o enclosures)