



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 18, 2012

Mr. John Richard Wilson
Attorney for City of Ennis
McCarty, Wilson & Mash, PC
P.O. Box 580
Ennis, Texas 75120

OR2012-14806

Dear Mr. Wilson:

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# 470004.

The City of Ennis (the "city"), which you represent, received a request for the contact information of a named city employee. We have reviewed the submitted information.

Initially, we note most of the information you have submitted is not responsive to the instant request, which seeks only contact information for the employee at issue. This ruling does not address the public availability of the non-responsive information, nor is the city required to release non-responsive information in response to this request.

Section 552.117 of the Government Code excepts from disclosure the home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code.¹ Gov't Code § 552.117(a)(1). Whether a particular piece of information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See Open*

¹The 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).

Records Decision No. 530 at 5 (1989). The city may withhold information under section 552.117(a)(1) only on behalf of current or former officials or employees who made a request for confidentiality under section 552.024 of the Government Code prior to the date on which the request for this information was made. Thus, if the individual whose information is at issue timely requested confidentiality under section 552.024, the city must withhold the requested information under section 552.117(a)(1). Conversely, if the individual did not make a timely election under section 552.024, the city may not withhold the requested information under section 552.117(a)(1), but instead must release it to the requestor.

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,



Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/som

Ref: ID# 470004

Enc. Submitted documents

c: Requestor
(w/o enclosures)