



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 2, 2012

Ms. Thao La  
Senior Attorney  
Parkland Health & Hospital System  
5201 Harry Hines Boulevard  
Dallas, Texas 75235

OR2012-16372A

Dear Ms. La:

Our office issued Open Records Letter No. 2012-16372 (2012) on October 12, 2012. In that ruling, we found the Dallas County Hospital District d/b/a Parkland Health & Hospital System ( "Parkland") must withhold the identifying information of three named Parkland employees under section 552.150 of the Government Code and ordered the remaining information released. However, we have since received comments from Parkland stating it failed to submit two additional applications provided to Parkland objecting to release of the identifying information of two of the employees whose information is at issue. Consequently, this decision serves as the correct ruling and is a substitute for the decision issued on October 12, 2012. *See generally* Gov't Code § 552.011 (providing that Office of the Attorney General may issue a decision to maintain uniformity in application, operation, and interpretation of the Public Information Act (the "Act")).

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# 474799.

Parkland received a request for photographs used for identification and credentialing purposes for twenty-eight named individuals. You state you will release some of the requested photographs. You claim that the submitted information is excepted from disclosure under sections 552.139 and 552.150 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You raise section 552.139(b)(3) of the Government Code for the submitted photographs. Section 552.139(b)(3) provides:

(b) The following information is confidential:

...

(3) a photocopy or other copy of an identification badge issued to an official or employee of a governmental body.

*Id.* § 552.139(b)(3). Section 552.139(b)(3) applies to an identification badge issued to an employee by a governmental body. The legislative history of section 552.139(b)(3) explains that an employee's security clearance information is encoded into his or her employee badge and that the badge, "which contains the employee's photograph, identification number, and job title, could be used to illegally obtain and/or make a replacement of the badge to gain access to secured areas of local and state government facilities[.]" Senate Research Center, Bill Analysis, S.B. 1638, 82nd Leg., R.S. (2011) (enrolled version). You seek to withhold employees' photographs. Upon review, we find the submitted photographs do not constitute employee identification badges for purposes of section 552.139(b)(3). Consequently, Parkland may not withhold the submitted photographs under section 552.139(b)(3) of the Government Code.

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 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 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 Parkland has provided all interested employees notice of this request and of their ability to claim a section 552.150 exception. Upon review and consideration of the applications provided to Parkland by five employees who sought the protection of information, we determine these employees have described specific circumstances pertaining to the individual establishing that release of their photographs could "reasonably be expected to compromise the safety of the individual." *See id.* § 552.150(a)(1). Therefore, Parkland must withhold the photographs of these five employees, which we have indicated, under section 552.150 of the Government Code. However, as of the date of this ruling, you do not inform us any of the remaining employees at issue have responded to your notice to request their information be withheld under section 552.150. Accordingly, we find neither Parkland 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, Parkland may not withhold any of the remaining information at issue under section 552.150 of the Government Code.

In summary, Parkland must withhold the photographs of the five employees we have indicated under section 552.150 of the Government Code. The remaining information must be released.

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](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,



Vanessa Burgess  
Assistant Attorney General  
Open Records Division

VB/dls

Ref: ID# 474799

Enc. Submitted documents

c: Requestor  
(w/o enclosures)