



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 6, 2012

Mr. Neil Thomas
Counsel for Clear Brook City Municipal Utility District
Fulbright & Jaworski, L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010-3095

OR2012-17753

Dear Mr. Thomas:

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# 470187.

The Clear Brook City Municipal Utility District (the "district"), which you represent, received a request for the district's orders establishing codes, policies, and procedures currently in place. You claim some of the submitted information is excepted from disclosure under section 552.152 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You seek to withhold a portion of the submitted information under section 552.152 of the Government Code, which provides:

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 seek to withhold portions of the submitted district employee operations manual pertaining to cash and check handling. You generally assert "disclosure of [cash and check handling procedures] would subject [d]istrict employees to substantial

threat of physical harm.” Upon review, we find you have made a conclusory statement that release of the information at issue would subject an employee or officer to a specific substantial risk of physical harm but do not present specific circumstances that would subject an employee to a substantial threat of physical harm as required by the exception. Accordingly, the district may not withhold any of the submitted information under section 552.152 of the Government Code. As no other exceptions to disclosure have been raised, the district must release the submitted information 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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/tch

Ref: ID# 470187

Enc. Submitted documents

cc: Requestor
(w/o enclosures)