



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 19, 2013

Mr. Ricardo Morado
Counsel for the Town of Laguna Vista
Roerig, Oliveira & Fisher, L.L.P.
855 West Price Road, Suite 9
Brownsville, Texas 78520

OR2013-12473

Dear Mr. Morado:

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# 493777.

The Town of Laguna Vista (the "town"), which you represent, received a request for all complaints filed against a named individual for a specified time period and the amount and a summary of all payments made to either of two other named individuals for specified time periods. You state the town has released some of the requested information. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 33.032 of the Government Code, which states "[e]xcept as otherwise provided by this section and [s]ection 33.034 [of the Government Code], the papers filed with and proceedings before the [State Commission on Judicial Conduct (the "commission")]] are confidential prior to the filing of formal charges." *Id.* § 33.032(a). You contend Exhibit C is confidential under section 33.032 because the information was filed with the commission for the commission's consideration. Chapter 33 governs the actions of and proceedings before the commission. *See, e.g., id.* §§ 33.002 (establishing commission), .021 (stating powers of commission). Section 33.032 authorizes only the commission to withhold information it maintains for investigative proceedings and other actions, and does not make records maintained by the town confidential. *See* Open Records Decision Nos. 649 at 3 (1996) (noting express language of confidentiality statute controls scope of statute's

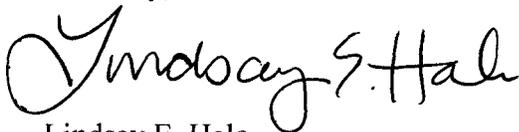
protection), 478 at 2 (1987) (same). Accordingly, we find you have failed to demonstrate Exhibit C is confidential under section 33.032 and it may not be withheld on that basis.

We note portions of Exhibit C are subject to section 552.102 of the Government Code.¹ Section 552.102(a) excepts from disclosure “information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy[.]” Gov’t Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). Having carefully reviewed the information at issue, we have marked the information that must be withheld under section 552.102(a). As no further exceptions have been raised, the town must release the remaining information in Exhibit C.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/tch

Ref: ID# 493777

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions.