



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 22, 2013

Ms. Katie Lentz  
Open Records  
Williamson County Sheriff's Office  
508 South Rock Street  
Georgetown, Texas 78626

OR2013-14743

Dear Ms. Lentz:

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# 501606.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for a digital arrest log for the past ninety, any arrest information pertaining to the individuals named in the arrest log to include mugshots. We understand the sheriff's office has released some information to the requestor. You claim some of the submitted information is excepted from disclosure under sections 552.102, 552.117, and 552.1175 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.102(a) of the Government Code 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, 348 (Tex. 2010). Thus, under *Texas Comptroller*, section 552.102(a) is applicable to the birth date of an employee of a governmental body in a record maintained by his or her employer in an employment context. The information you have marked is held by the sheriff's office in a law enforcement context. Accordingly, section 552.102(a) is not applicable and the information you have marked may not be withheld on that basis.

Section 552.117(a)(1) of the Government Code excepts from disclosure information that relates to the home address, home telephone number, emergency contact information, social security number of an employee or official of a governmental body, as well as information that reveals whether the person has family members. Gov't Code § 552.117(a)(1). Section 552.117(a)(2) excepts from public disclosure the home address, home telephone number, emergency contact information, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code. *See id.* § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. We note, however, section 552.117 applies only to records that a governmental body is holding in an employment capacity. As noted above, the information you have marked is held by the sheriff's office in a law enforcement context. Therefore, section 552.117 of the Government Code is not applicable and the information you have marked may not be withheld on that basis.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. *See id.* § 552.1175. Section 552.1175 applies, in part, to "peace officers as defined by Article 2.12, Code of Criminal Procedure." *Id.* § 552.1175(a)(1). Therefore, the sheriff's office must withhold the information you have marked under section 552.1175 of the Government Code if the individuals whose information is at issue are currently licensed peace officers and elect to restrict access to their information in accordance with section 552.1175(b). If the individuals whose information is at issue are not currently licensed peace officers or do not elect to restrict access to their information in accordance with section 552.1175(b), the sheriff's office may not withhold this marked information under section 552.1175 of the Government Code.

In summary, the sheriff's office must withhold the information you have marked under section 552.1175 of the Government Code if the individuals whose information is at issue are currently licensed peace officers and elect to restrict access to their information in accordance with section 552.1175(b) 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.texasattorneygeneral.gov/open\\_orl\\_ruling\\_info.shtml](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,

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form the name Ana Carolina Vieira.

Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/ag

Ref: ID# 501606

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

