



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 14, 2014

Ms. Caroline Kelley
City Attorney
City of Missouri City
1522 Texas Parkway
Missouri City, Texas 77489

OR2014-12021

Dear Ms. Kelley:

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# 529717.

The City of Missouri City (the “city”) received a request for the name, sex, ethnicity, salary, title, and dates of employment of each employee of the SMS Special Crimes Task Force (the “task force”) and a description of the task force’s central and field organizations.¹ You state you have released part of the requested information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.102, 552.117, 552.119, and 552.152 of the Government Code.² We have considered the exceptions you claim and reviewed the submitted information. We have also considered comments submitted by the

¹We note the city sought and received clarification from the requestor regarding the request. *See* Gov’t Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *see also City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

²Although you also raise section 552.1175 of the Government Code, we note section 552.117 of the Government Code is the proper exception to raise for information held in an employment context.

requestor. See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.152 of the Government Code provides:

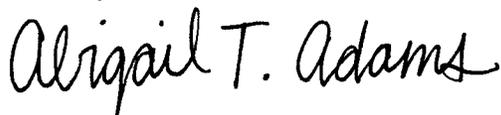
Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Id. § 552.152. You seek to withhold the identifying information of undercover officers you have marked in the submitted information. You state these officers have performed undercover work and are expected to continue to do so in the future. You state release of the information at issue would subject these officers to a substantial threat of physical harm. Based on your representations and our review, we conclude you have demonstrated release of the information you have marked would subject the officers to a substantial threat of physical harm. Therefore, the city must withhold the submitted information under section 552.152 of the Government Code.³

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,



Abigail T. Adams
Assistant Attorney General
Open Records Division

ATA/dls

³As our ruling is dispositive, we need not address your remaining arguments against disclosure of the submitted information.

Ref: ID# 529717

Enc. Submitted documents

c: Requestor
(w/o enclosures)