



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 18, 2014

Ms. Melinda L. Uriegas
Assistant City Clerk
Office of the City Clerk
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2014-12492

Dear Ms. Uriegas:

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# 529689.

The City of San Antonio (the "city") received a request for information related to the treasurer appointment forms of a named city council member. The city released some of the information responsive to the request. However, as permitted by section 552.024(c)(2) of the Government Code, the city redacted information it determined to be subject to section 552.117 of the Government Code without requesting a decision from this office. See Gov't Code §§ 552.024, .117. Pursuant to section 552.024(c-1), the requestor has asked this office to review the information and render a decision as to whether this information is excepted from disclosure under section 552.117 of the Government Code. We have considered the position and reviewed the information.

We note the information at issue is subject to section 1.012 of the Election Code, which provides as follows:

- (a) Subject to Subsection (b), an election record that is public information shall be made available to the public during the regular business hours of the record's custodian.

...

(c) Except as otherwise provided by this code or [the Act], all election records are public information.

(d) In this code, "election record" includes:

(1) anything distributed or received by government under this code;

...

(3) a certificate, application, notice, report, or other document or paper issued or received by government under this code.

Elec. Code § 1.012(a), (c), (d)(1), (d)(3). Pursuant to chapter 252 of the Election Code, a candidate for municipal public office is required to appoint a campaign treasurer and file a record of the appointment with the clerk or secretary of the municipality's governing body. *See id.* §§ 252.001, .005. Thus, a campaign treasurer appointment received by the city pursuant to chapter 252 of the Election Code constitutes an "election record" and is public information subject to disclosure, except as provided by the Act. *See id.* § 1.012(a), (c). Accordingly, we will address the city's redactions under section 552.117 of the Government Code.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, social security number, emergency contact information, and family member information of a current or former official or employee of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1); Open Records Decision No. 622 (1994). Information may be withheld under section 552.117(a)(1) only on behalf of a current or former official or employee who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for information. Open Records Decision No. 530 at 5 (1989). However, section 552.117 applies only to records that a governmental body holds in an employment capacity. *See* Open Record Decision Nos. 532 (1989) (stating purpose of predecessor statute of section 552.117 is to protect certain information during and after employment relationship), 530 (discussing interplay between sections 552.024 and 552.117), 455 (1987). As previously noted, the information at issue constitutes election records the city maintains in accordance with the Election Code, not employment records. Thus, the city may not withhold any of the information at issue under section 552.117(a)(1) of the Government Code. As you raise no other exceptions, the city must release the information at issue.

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,

A handwritten signature in black ink, appearing to read "Neal Falgoust". The signature is written in a cursive style with a large, prominent initial "N".

Neal Falgoust
Assistant Attorney General
Open Records Division

NF/som

Ref: ID# 529689

Enc. Submitted documents

c: Requestor
(w/o enclosures)