



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 4, 2014

Mr. Bill Delmore
Assistant District Attorney
9th Judicial District
207 West Phillips, 2nd Floor
Conroe, Texas 77301

OR2014-13471

Dear Mr. Delmore:

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# 531466.

The 9th Judicial District Attorney's Office (the "district attorney's office") received a request for the personnel files of four named current and former employees of the district attorney's office. You claim the submitted information is excepted from disclosure under sections 552.117, 552.1175, 552.130, 552.147 and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You seek to withhold the submitted information in its entirety 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 inform us the requestor has "engaged in a lengthy campaign of harassment and retaliation directed towards attorneys, law enforcement authorities and others[.]" You state the requestor has sent letters containing "paranoid accusations and

threats” to employees of the district attorney’s office “which have caused those employees to become concerned for their physical safety.” You also state disclosing the submitted information would “enable [the requestor] to continue and expand [the requestor’s] campaign of stalking and threatening behavior.” You have provided a variety of documentation to this office in support of your assertions. Based on your representations and our review of the submitted information, we find you have demonstrated release of the submitted information would subject the current and former employees at issue to a substantial risk of physical harm. Accordingly, the district attorney’s office must withhold the submitted information in its entirety under section 552.152 of the Government Code.¹

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,

Open Records Division

Ref: ID# 531466

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure.