



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 12, 2014

Mr. James McKechnie
Assistant City Attorney
City of Wichita Falls
P.O. Box 1431
Wichita Falls, Texas 76307-1431

OR2014-14034

Dear Mr. McKechnie:

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# 532639 (City ID# 313).

The City of Wichita Falls (the "city") received a request for information pertaining to a specified investigation. You claim the submitted information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.117(a)(1) of the Government Code excepts from disclosure the current and former home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a). We note a post office box number is not a "home address" for purposes of section 552.117(a). *See* Open Records Decision No. 622 at 4 (1994) (legislative history makes clear that purpose of Gov't Code § 552.117 is to protect public employees from being harassed at home). Section 552.117 is also applicable to cellular telephone numbers, provided the cellular telephone service is not paid for by a governmental body. *See* Open Records Decision No. 506 at 5-6 (1988) (statutory predecessor to section 552.117 not applicable to cellular telephone numbers provided and paid for by governmental body and intended for official use). Whether a particular piece of information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). Therefore, a governmental body must withhold information under section 552.117 on behalf of a current or former employee only if the individual made a request for confidentiality

under section 552.024 prior to the date on which the request for this information was made. You have submitted a copy of the election form completed by a city employee whose information is at issue. Upon review, we find this individual elected to keep his home address and telephone number confidential prior to the date of this request. Accordingly, the city must withhold the information we have marked pertaining to this employee under section 552.117(a)(1). However, none of the remaining responsive information pertaining to this employee constitutes his home address or telephone number. Further, the election form you submitted provides no means for the employee to request his family member information be withheld from disclosure. Thus, because the employee did not elect confidentiality for his family member information, the city may not withhold it under section 552.117(a)(1). The remaining responsive information contains a cellular telephone number of another city employee, for whom you have not submitted an election form. To the extent the employee at issue timely requested confidentiality under section 552.024 of the Government Code and the city does not pay for the cellular telephone service, the city must withhold the information we have marked under section 552.117(a)(1) of the Government Code. Conversely, to the extent the employee at issue did not timely request confidentiality under section 552.024 or if the cellular telephone service is paid for by a governmental body, the city may not withhold the cellular telephone number we have marked under section 552.117(a)(1). As you raise no further exceptions to disclosure, 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, 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,



Cristian Rosas-Grillet
Assistant Attorney General
Open Records Division

CRG/dls

Ref: ID# 532639

Enc. Submitted documents

c: Requestor
(w/o enclosures)