



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 28, 2014

Ms. Melanie Charleston  
Counsel for the Hempstead Independent School District  
Walsh, Anderson, Gallegos, Green and Trevino, P.C.  
10375 Richmond Avenue, #750  
Houston, Texas 77042

OR2014-15193

Dear Ms. Charleston:

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# 535890.

The Hempstead Independent School District (the "district"), which you represent, received a request for information pertaining to two named employees. The district states it will withhold personal e-mail addresses under section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).<sup>1</sup> The district states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under section 552.117 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.117(a)(1) of the Government Code may be applicable to some of the submitted information. Section 552.117(a)(1) excepts from disclosure the 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 that this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Section 552.024(a-1) of the Government Code also provides, "A school district may not require an employee or former employee of the district to choose whether to allow public access to the employee's or former employee's social security number." *Id.* § 552.024(a-1). Section 552.117 also encompasses a personal cellular

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<sup>1</sup>Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of seeking a decision from this office.

telephone number, provided a governmental body does not pay for the cellular telephone service. *See* Open Records Decision No. 506 at 5-6 (1988) (section 552.117 not applicable to cellular telephone numbers paid for by governmental body and intended for official use). But an individual's personal post office box number is not a "home address" for purposes of section 552.117, and therefore may not be withheld under section 552.117. *See* Open Records Decision No. 622 at 6 (1994) (purpose of section 552.117 is to protect public employees from being harassed at home); *see also* Open Records Decision No. 658 at 4 (1998) (statutory confidentiality provision must be express and cannot be implied). Thus, the district may only withhold under section 552.117 the home address and telephone number, emergency contact information, and family member information of a current or former employee or official of the district who requests this information be kept confidential under section 552.024. Whether 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). You state, and provide supporting documentation showing, the employees at issue elected to keep their home addresses, home telephone numbers, and family member information confidential before the district received the request for information. Therefore, the district must withhold this information, which we have marked, under section 552.117(a)(1); however, the district may only withhold the cellular telephone number at issue under section 552.117(a)(1) if the cellular telephone service was not provided to the employee at issue at public expense. Section 552.117 is not applicable to the remaining information. Therefore, the district may not withhold the remaining information under section 552.117 but, instead, must release it to the requestor.

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,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/eb

Ref: ID# 535890

Enc. Submitted documents

c: Requestor  
(w/o enclosures)