



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 4, 2016

Ms. Elaine Nicholson
Assistant City Attorney
Law Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2016-17586

Dear Ms. Nicholson:

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# 621353 (PIR No. 26602).

The Austin Emergency Services Department (the "department") received a request for personnel information related to two named individuals. We understand the department will release some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses section 143.089 of the Local Government Code. You state the department is a civil service organization under chapter 143 of the Local Government Code. *See* Local Gov't Code §§ 143.401, .403(c) (each provision of chapter 143 applies to emergency medical services personnel covered by subchapter K). Section 143.089 requires a civil service organization to maintain two different types of personnel files relating to

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

emergency medical services personnel ("EMS personnel"): a civil service file that the civil service director is required to maintain, and an internal file that the department may maintain for its own use. *Id.* § 143.089(a), (g). Information that reasonably relates to an EMS personnel's employment relationship with the department is maintained in the department's internal file pursuant to section 143.089(g) and is confidential and must not be released. *See id.* § 143.089(g); *see also City of San Antonio v. San Antonio Express-News*, 47 S.W.3d 556 (Tex. App.—San Antonio 2000, pet. denied); *City of San Antonio v. Texas Attorney General*, 851 S.W.2d 946, 949 (Tex. App.—Austin 1993, writ denied).

You state the submitted information is maintained by the department in a confidential internal file for the EMS personnel in question pursuant to section 143.089(g). Thus, the submitted information is confidential under section 143.089(g) of the Local Government Code and must be withheld under section 552.101 of the Government Code.

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,



Kavid Singh
Assistant Attorney General
Open Records Division

KVS/bhf

Ref: ID# 621353

Enc. Submitted documents

c: Requestor
(w/o enclosures)