



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 26, 2016

Ms. Amy L. Sims
Deputy City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR2016-21680

Dear Ms. Sims:

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# 628186 (City File No. 1384).

The City of Lubbock (the "city") received a request for the cellular telephone numbers of specified city employees. You claim the submitted information is excepted from disclosure under sections 552.101, 552.117, and 552.1175 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, 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)(1). We note section 552.117(a)(1) also applies to the personal cellular telephone number of a current or former official or employee of a governmental body, provided the cellular telephone service is not paid by a governmental body. *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). 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). Thus, information may be withheld under section 552.117(a)(1) only on behalf of a current or former 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 the information. To the extent the submitted cellular telephone numbers belong to city employees who timely elected to keep this information confidential under section 552.024 of the Government Code, the city must withhold this information under section 552.117(a)(1) of the Government Code if the city employees at issue pay for the cellular telephone service with their own funds. Conversely, to the extent the submitted cellular telephone numbers do not belong to city employees who timely requested confidentiality under section 552.024 or the city pays for cellular telephone service, the city may not withhold the this information under section 552.117(a)(1).

Section 552.117(a)(2) of the Government Code excepts from public disclosure the home address, home telephone number, emergency contact information, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code. *See* Gov't Code § 552.117(a)(2). We note section 552.117(a)(2) protects a peace officer's personal cellular telephone number only if the officer pays for the cellular telephone or pager service with his or her personal funds. *See* Open Records Decision Nos. 670 at 6 (2001). (Gov't Code § 552.117(a)(2) excepts from disclosure peace officer's cell phone or pager number if officer pays for cell phone or pager service), 506 at 5-6. Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. To the extent the submitted cellular telephone numbers belong to peace officers, the city must withhold this information under section 552.117(a)(2) of the Government Code if the peace officers at issue pay for the cellular telephone service with their own funds. Conversely, to the extent the submitted cellular telephone numbers do not belong to peace officers or the city pays for the cellular telephone service, the city may not withhold this information under section 552.117(a)(2).

In summary, to the extent the submitted cellular telephone numbers belong to city employees who have elected to keep this information confidential under section 552.024 of the Government Code, the city must withhold the submitted information under section 552.117(a)(1) of the Government Code if the city employees at issue pay for the cellular telephone service with their own personal funds. To the extent the submitted cellular telephone numbers belong to peace officers, the city must withhold this information under section 552.117(a)(2) of the Government Code if the peace officers at issue pay for the cellular telephone service with their own funds. 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,

A handwritten signature in black ink, appearing to read 'Ian Lancaster', written in a cursive style.

Ian Lancaster
Assistant Attorney General
Open Records Division

IML/akg

Ref: ID# 628186

Enc. Submitted documents

c: Requestor
(w/o enclosures)