



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 16, 2015

Mr. Andrew Wipke
Assistant District Attorney
Wichita County
900 Seventh Street
Wichita Falls, Texas 76301

OR2015-11926

Dear Mr. Wipke:

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# 567394 (ORR.671).

The Wichita County Sheriff's Office (the "sheriff's office") received two requests from the same requestor for a listing of the names and titles of all full time employees of Wichita County (the "county"). The sheriff's office claims portions of the submitted information are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the sheriff's office claims and reviewed the submitted information.

Initially, we note the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

...

(2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body[.]

Gov't Code § 552.022(a)(2). The submitted information consists of the names and titles of county employees, which are subject to section 552.022(a)(2). This information must be released unless it is made confidential under the Act or other law. *See id.* Although the sheriff's office seeks to withhold portions of this information under section 552.108 of the Government Code, this section is a discretionary exception to disclosure that protects a governmental body's interests and does not make information confidential under the Act. *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 177 at 3 (1977) (statutory predecessor to section 552.108 subject to waiver). Therefore, the information at issue may not be withheld under section 552.108. However, based on the sheriff's office's arguments, we understand the sheriff's office to assert section 552.152 of the Government Code.¹ Because section 552.152 makes information confidential under the Act, we will address its applicability to the information at issue.

Section 552.152 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. The sheriff's office states release of the information it has marked would compromise the personal safety and security of investigators often engaged in undercover operations. Upon review, we find section 552.152 is applicable to the information at issue. Accordingly, the sheriff's office must withhold the information it has marked under section 552.152 of the Government Code. The sheriff's office must release the remaining information.

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/>

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision No. 481 (1987), 480 (1987), 470 (1987).

[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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/dls

Ref: ID# 567394

Enc. Submitted documents

c: Requestor
(w/o enclosures)