



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 28, 2016

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR2016-09632

Dear Mr. Dempsey:

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# 607896 (GCA 16-0074).

The City of Garland (the "city") received a request for the names, mailing addresses, and telephone numbers of all commissioned city police officers and fire fighters currently employed by the city whose mailing or home address indicates they reside in the City of Rockwall. 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)(2) of the Government Code excepts from disclosure the home address, home telephone number, emergency contact information, social security number, and family member information of a peace officer, regardless of whether the peace officer complies with section 552.024 or 552.1175 of the Government Code.¹ Gov't Code § 552.117(a)(2). You state the submitted information contains personal information of licensed peace officers. Thus, the city must withhold the information we have marked under section 552.117(a)(2) of the Government Code. However, we find no portion of the remaining information is subject to section 552.117(a)(2) of the Government Code, and the city may not withhold any of the remaining information at issue on that basis.

¹Section 552.117(a)(2) adopts the definition of peace officer found in article 2.12 of the Code of Criminal Procedure.

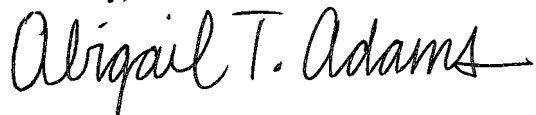
Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of a current or former employee or official of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. *See id.* § 552.117(a)(1). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *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 or official 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. Information may not be withheld under section 552.117(a)(1) on behalf of a current or former employee or official who did not timely request under section 552.024 the information be kept confidential. You state the fire fighters at issue timely requested confidentiality of their personal information under section 552.024 of the Government Code. Therefore, the city must withhold the information we have marked under section 552.117(a)(1) of the Government Code. However, we find no portion of the remaining information is subject to section 552.117(a)(1) of the Government Code, and the city may not withhold any of the remaining information at issue on that basis.

In summary, the city must withhold the information we have marked under section 552.117(a)(2) and section 552.117(a)(1) of the Government Code. The city 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/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,



Abigail T. Adams
Assistant Attorney General
Open Records Division

ATA/akg

Ref: ID# 607896

Enc. Submitted documents

c: Requestor
(w/o enclosures)