



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2016

Ms. June B. Harden
Assistant Attorney General
Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2016-18569

Dear Ms. Harden:

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# 622997 (PIR No. 16-44424).

The Office of the Attorney General (the "OAG") received a request for information pertaining to a named OAG employee, including the employee's personnel file and a photograph of the employee. You state the OAG will release most of the responsive information. You state the OAG will redact information pursuant to section 552.130(c) of the Government Code and certain information subject to section 552.139 of the Government Code in accordance with Open Records Letter No. 2011-18124 (2011).¹ You also state the OAG will redact information protected by section 552.117(a)(1) of the Government Code pursuant to section 552.024(c)(2) of the Government Code, and personal e-mail addresses subject to section 552.137 of the Government Code pursuant to the previous determination

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). In Open Records Letter No. 2011-18124 this office issued the OAG a previous determination authorizing it to withhold an employee's user identification under section 552.139 of the Government Code without the necessity of requesting a decision from this office.

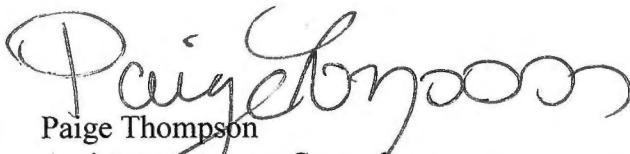
in Open Records Decision No. 684 (2009).² You claim the submitted photograph is excepted from disclosure under section 552.139 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.139(b)(3) of the Government Code provides, “a photocopy or other copy of an identification badge issued to an official or employee of a governmental body” is confidential. Gov’t Code § 552.139(b)(3). You state the submitted photograph is the photograph for the employee’s identification badge that was taken by the Facilities Security Unit of the OAG. You state the badge is used by security personnel to identify an agency employee and the employees can use the badge to gain access to OAG offices and nearby government buildings. Accordingly, we understand the submitted photograph was created specifically for use on an identification badge. Therefore, we conclude the OAG must withhold the submitted photograph under section 552.139(b)(3) 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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

²Section 552.024(c)(2) of the Government Code authorizes a governmental body to redact information protected by section 552.117(a)(1) of the Government Code without the necessity of requesting a decision under the Act if the current or former employee or official to whom the information pertains timely chooses not to allow public access to the information. *See* Gov’t Code § 552.024(c)(2). If a governmental body redacts such information, it must notify the requestor in accordance with subsections 552.024(c-1) and (c-2). *See id.* § 552.024(c-1)-(c-2). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including e-mail addresses of members of the public under section 552.137, without the necessity of requesting an attorney general decision.

Ref: ID# 622997

Enc. Submitted documents

c: Requestor
(w/o enclosures)