



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 21, 2016

Ms. Lynn Latombe  
General Counsel  
Texas Department of Licensing and Regulation  
P.O. Box 12157  
Austin, Texas 78711

OR2016-25850

Dear Ms. Latombe:

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# 634992 (TDLR #PIR-20160969).

The Texas Department of Licensing and Regulation (the "department") received a request for complaints filed against a named company and individual, as well as information related to department staff job descriptions, qualifications, specified contributions, and compensation. You state you have released some information. You also state you have sent the requestor a cost estimate with respect to a portion of the requested information. You claim the submitted information is excepted from disclosure under section 552.117 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

You state the department sought clarification of a portion of the request for information. *See id.* § 552.222 (providing that if request for information is unclear, governmental body may

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<sup>1</sup>Although you raise section 552.024 of the Government Code in your brief, we understand you to raise section 552.117 of the Government Code based on your arguments.

ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed). You further state the department has not received a response to the request for clarification. Thus, for the requested information for which the department has sought but has not received clarification, we find the department is not required to release information in response to the portion of the request at issue. However, if the requestor clarifies the portion of the request for information at issue, the department must seek a ruling from this office before withholding any responsive information from the requestor. *See* Gov't Code § 552.222; *City of Dallas*, 304 S.W.3d at 387. We note a governmental body has a duty to make a good-faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990). In this case, as the department has submitted information responsive to the request and had made an argument against disclosure of this information, we will address the applicability of its arguments to the submitted information.

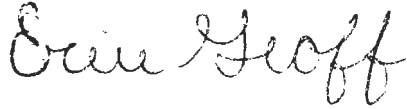
Section 552.117 of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and information that reveals whether an individual has family members for current or former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a). Whether a particular piece of information is protected by section 552.117 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. Information may not be withheld under section 552.117(a)(1) on behalf of a current or former employee who did not timely request under section 552.024 the information be kept confidential. You assert a portion of the submitted information is confidential under section 552.117(a)(1). However, upon review, we find you have failed to demonstrate the information at issue reveals whether an individual has family members for purposes of section 552.117(a)(1). Therefore, the department may not withhold the information at issue under section 552.117(a)(1). As no other exceptions to disclosure are raised, the submitted 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 cursive script that reads "Erin Groff".

Erin Groff  
Assistant Attorney General  
Open Records Division

EMG/som

Ref: ID# 634992

Enc. Submitted documents

c: Requestor  
(w/o enclosures)