



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 5, 2017

Ms. Natalie Barnett
Assistant County Attorney
Parker County
118 West Columbia Street
Weatherford, Texas 76086

OR2017-07119

Dear Ms. Barnett:

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# 651981.

The Parker County Employee Benefits Office (the "county") received a request for a list of all employees of the county sheriff's office on a specified date, including job titles and salaries.¹ You indicate the county will release some of the requested information. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.152 of the Government Code 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

¹We note the county sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

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. You seek to withhold the identifying information of sheriff's office employees who perform undercover work or are part of task forces developed for the surveillance and arrest of person involved in terrorism. You represent the release of these employees' identities would subject the employees to a substantial threat of physical harm. Based on your representations and our review, we find you have demonstrated the release of the identifying information we marked would subject the employees at issue to a substantial threat of harm. Thus, the county must withhold the information we marked under section 552.152 of the Government Code.² However, we find you have failed to demonstrate release of the remaining information would subject an employee to a substantial risk of physical harm. Accordingly, the county may not withhold any of the remaining information under section 552.152 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information protected by other statutes, including section 418.176 of the Texas Homeland Security Act (the "HSA"), chapter 418 of the Government Code. Section 418.176 provides, in relevant part:

(a) Information is confidential if the information is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and:

(1) relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency, or an emergency services agency; [or]

(2) relates to a tactical plan of the provider[.]

Id. § 418.176(a)(1)-(2). The fact that information may generally be related to emergency preparedness does not make the information *per se* confidential under the provisions of the HSA. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). As with any confidentiality statute, a governmental body asserting this section must adequately explain how the responsive information falls within the scope of the provision. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies). You state the remaining information is related to employees whose job duties include surveillance and arrests in terrorism cases.

²As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

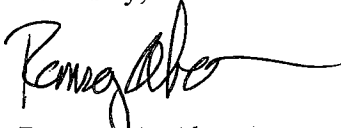
Upon review, however, we find the county has failed to demonstrate the applicability of section 418.176 to the remaining information, and the county may not withhold it under section 552.101 of the Government Code on that ground.

In summary, the county must withhold the information we marked under section 552.152 of the Government Code. The county 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,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/bw

Ref: ID# 651981

Enc. Submitted documents

c: Requestor
(w/o enclosures)