



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 19, 2017

Mr. M. Matthew Ribitzki
Deputy City Attorney
City of Burleson
141 West Renfro
Burleson, Texas 76028

OR2017-08298

Dear Mr. Ribitzki:

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# 653948 (ORR No. 380).

The City of Burleson (the "city") received a request for all forms filled out by all applicants for a specified election. You state the city will redact information pursuant to sections 552.130(c) and 552.147(b) of the Government Code.¹ You also state the city will redact dates of birth of members of the public pursuant to the previous determination issued in Open Records Letter No. 2016-08169 (2016).² You claim the submitted information is excepted from disclosure under section 552.1175 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 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). Section 552.147(b) of the Government Code authorizes a governmental body to redact the social security number of a living person without the necessity of requesting a decision from this office under the Act. *See id.* § 552.147(b).

²Open Records Letter No. 2016-08169 authorized the city to withhold dates of birth of members of the public under section 552.101 of the Government Code in conjunction with common-law privacy without the necessity of requesting an attorney general's decision.

Section 552.1175 protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. *See* Gov't Code § 552.1175. Section 552.1175 applies, in part, to “employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters[.]” *Id.* § 552.1175(a)(5). The submitted information contains the personal information of individuals who may be subject to section 552.1175(a)(5). You have submitted supporting documentation showing that one of the individuals at issue has elected to restrict public access to his home address and telephone number. However, we note the other individual at issue has elected to restrict public access to his home telephone number, but not his home address. Accordingly, to the extent the individuals whose information is at issue are encompassed by section 552.1175(a)(5), the city must withhold the information we have marked under section 552.1175 of the Government Code. Conversely, to the extent the individuals whose information is at issue are not subject to section 552.1175(a)(5), the information we have marked may not be withheld under section 552.1175.

You seek to redact the personal e-mail address of a member of the public subject to section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).³ Section 552.137 of the Government Code excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). We note the supporting documentation you submitted reflects the owner of the personal e-mail address at issue affirmatively consents to its public disclosure. Accordingly, the city may not withhold the personal e-mail address at issue under section 552.137.

In summary, to the extent the individuals whose information is at issue are encompassed by section 552.1175(a)(5), the city must withhold the information we have marked under section 552.1175 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.

³ Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information without the necessity of requesting an attorney general decision.

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 black ink that reads "Britni Ramirez". The signature is written in a cursive style with a large, looping flourish at the end of the name.

Britni Ramirez
Assistant Attorney General
Open Records Division

BR/som

Ref: ID# 653948

Enc. Submitted documents

c: Requestor
(w/o enclosures)