



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 28, 2017

Ms. Stephanie Storm
City of Wylie
300 Country Club Drive
Wylie, Texas 75098

OR2017-09120

Dear Ms. Storm:

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# 655919.

The City of Wylie (the "city") received a request for specified contact information for a named individual. You claim some of the submitted information is excepted from disclosure under sections 552.1175 and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the present request because it does not consist of contact information for the named individual. This ruling does not address the public availability of the non-responsive information and the city need not release it in response to this request.

Section 552.1175 of the Government Code 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 "peace officers as defined by Article 2.12, Code of Criminal Procedure[.]" *Id.* § 552.1175(a)(1). Section 552.1175 also encompasses a personal cellular telephone number, unless the cellular telephone service is paid for by a governmental body. *See* Open Records Decision No. 5607 at 5-7 (1988). You state the information you marked pertains to an individual who is subject

to section 552.1175(a)(1). You state, and provide documentation demonstrating, the individual elected to restrict access to his information in accordance with section 552.1175(b). Therefore, the city must withhold the information you marked under section 552.1175 of the Government Code; however, the cellular telephone number may only be withheld if a governmental body does not pay for the cellular telephone service.

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). Accordingly, the city must withhold the personal e-mail address you marked under section 552.137 of the Government Code, unless the individual to whom the e-mail address belongs affirmatively consents to its release. *See id.* § 552.137(b).

In summary, the city must withhold the information you marked under section 552.1175 of the Government Code; however, the cellular telephone number may only be withheld if a governmental body does not pay for the cellular telephone service. The city must withhold the personal e-mail address you marked under section 552.137 of the Government Code, unless the individual to whom the e-mail address belongs affirmatively consents to its release. 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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/bw

Ref: ID# 655919

Enc. Submitted documents

c: Requestor
(w/o enclosures)