



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 7, 2017

Mr. Ryan D. Pittman
Counsel for the City of Wylie
Abernathy, Roeder, Boyd & Hullett, P.C.
1700 Redbud Boulevard, Suite 300
McKinney, Texas 75070-1210

OR2017-15109

Dear Mr. Pittman:

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# 664848.

The City of Wylie (the "city"), which you represent, received a request for all SMS text messages made by three named individuals that related to two specified entities over a specified time period. The city released information responsive to the request but withheld some information under section 552.024 of the Government Code without requesting a decision from this office.¹ See Gov't Code §§ 552.024(c)(2), .117(a)(1). Pursuant to section 552.024(c-1) of the Government Code, the requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure under section 552.117 of the Government Code. We have considered the city's position.

Section 552.117 of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of 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)(1). Whether a particular piece of information is protected by

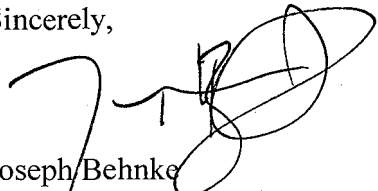
¹The city also informs us it redacted information pursuant to Open Records Decision No. 684 (2009), which serves as a previous determination for all governmental bodies authorizing them to withhold certain information without requesting a decision from this office.

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. The city indicates the individual whose personal information is at issue elected to keep such information confidential. Accordingly, the city must continue to withhold the personal information it previously withheld under section 552.117(a)(1) 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,



Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 664848

Enc. Submitted documents

c: Requestor
(w/o enclosures)