



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 29, 2017

Mr. Mark Anthony Sanchez  
Counsel for La Joya Housing Authority  
Sanchez & Wilson  
6243 IH-10 West, Suite 1025  
San Antonio, Texas 78201

OR2017-22378

Dear Mr. Sanchez:

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# 677939.

The La Joya Housing Authority (the "authority") received a request for all communications between the authority and a named entity regarding the executive director position during a specified time period. We have reviewed the submitted information.<sup>1</sup>

Section 552.117(a)(1) of the Government Code exempts from disclosure the current and former home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code.<sup>2</sup> Gov't Code § 552.117(a)(1). Section 552.117(a)(1) also applies to the personal cellular telephone number of a current or former official or employee of a governmental body, provided the cellular telephone service

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<sup>1</sup>Although you raise section 552.101 of the Government Code, Texas Rule of Evidence 503, and Texas Rule of Procedure 192.5, you make no arguments to support this exception and these privileges. Therefore, we assume you have withdrawn your claims that this exception and these privileges apply to the submitted information. See Gov't Code §§ 552.301, .302.

<sup>2</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision No. 481 (1987), 480 (1987), 470 (1987).

is not paid by a governmental body. *See* Open Records Decision No. 506 at 5-6 (1988). Whether a particular piece of information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). Therefore, a governmental body must withhold information under section 552.117(a)(1) on behalf of a current or former employee only if the individual made a request for confidentiality under section 552.024 prior to the date on which the request for this information was made. Accordingly, to the extent the individuals whose information is at issue timely requested confidentiality under section 552.024, the authority must withhold the information we have marked under section 552.117(a)(1) of the Government Code; however, the authority may only withhold the cell phone number if the cellular telephone service is not paid for by a governmental body. Conversely, to the extent the individuals at issue did not timely request confidentiality under section 552.024, the authority may not withhold the marked information under section 552.117(a)(1) and must release it. In either case, the remaining 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](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,



Emily Buchanan  
Attorney  
Open Records Division

EB/eb

Ref: ID# 677939

Enc. Submitted documents

c: Requestor  
(w/o enclosures)