



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 18, 2017

Mr. Michael Shaumessy
Counsel for the City of Hutto
McGinnis Lochridge, L.L.P.
600 Congress Avenue, Suite 2100
Austin, Texas 78701

OR2017-23894

Dear Mr. Shaumessy:

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# 680863.

The City of Hutto (the "city"), which you represent, received a request for the applications to serve on the boards of the 4A and 4B Economic Development Corporation, except for home addresses, phone numbers, and e-mail addresses. You claim some of the requested information is excepted from disclosure under sections 552.117, 552.1175, 552.130, and 552.137 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor specifically excluded from her request home addresses, phone numbers, and e-mail addresses. Accordingly, these types of information within the submitted information are not responsive to the instant request. The city need not release nonresponsive information in response to this request, and this ruling will not address that information.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home addresses and telephone numbers, social security numbers, emergency contact information, and family

¹Although you cite section 552.1176 of the Government Code, we understand you to raise section 552.1175 based on your arguments.

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. *See* Gov't Code § 552.117(a); Open Records Decision No. 622 (1994). We note section 552.117(a)(1) is not applicable to an individual's fiancée. 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). Thus, information may only be withheld under section 552.117(a)(1) on behalf of a current or former employee or official 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. We have marked the personal information of city officials. You have submitted election forms for the officials whose information is at issue in which these officials timely elected confidentiality of their information. Accordingly, the city must withhold the information we have marked under section 552.117(a)(1) of the Government Code. However, we find the remaining responsive information does not consist of home addresses and telephone numbers, social security numbers, emergency contact information, or family member information of current or former officials or employees. Accordingly, none of the remaining responsive information is subject to section 552.117(a)(1) of the Government Code and it may not be withheld on that basis.

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. Gov't Code § 552.1175. Section 552.1175 applies, in part, to "state judges as defined by Section 13.0021, Election Code[.]" *Id.* § 552.1175(a)(13). You claim some of the remaining responsive information is subject to section 552.117(a)(13). However, upon review, we find none of the remaining responsive information consists of the home address, home telephone number, emergency contact information, date of birth, social security number, or family member information of a state judge. Accordingly, none of the remaining responsive information may be withheld on the basis of section 552.1175.

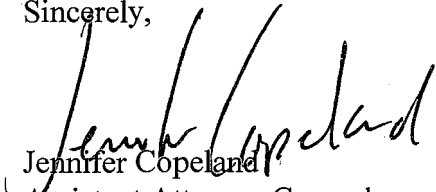
Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's license or driver's license or a motor vehicle title or registration issued by a Texas agency, or an agency of another state or country. *See id.* § 552.130(a)(1)-(2). Upon review, we find the city must withhold the motor vehicle record information you marked under section 552.130 of the Government Code.

In summary, the city must withhold the information we have marked under section 552.117(a)(1) of the Government Code. The city must withhold the information you marked under section 552.130 of the Government Code. The remaining responsive 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, 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,



Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/sb

Ref: ID# 680863

Enc. Submitted documents

c: Requestor
(w/o enclosures)