



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 15, 2019

Ms. Lindsey Aston
General Counsel
Office of the Secretary of State
P.O. Box 12697
Austin, Texas 78711-2697

OR2019-01171

Dear Ms. Aston:

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# 746234.

The Office of the Secretary of State (the "secretary's office") received a request for information pertaining to named board members of the Texas Department of Criminal Justice and specified appointments. You claim some of the submitted information is excepted from disclosure under section 552.158 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.158 of the Government Code provides:

The following information obtained by the governor or senate in connection with an applicant for an appointment by the governor is excepted from the requirements of section 552.021:

- (1) the applicant's home address;
- (2) the applicant's home telephone number; and
- (3) the applicant's social security number.

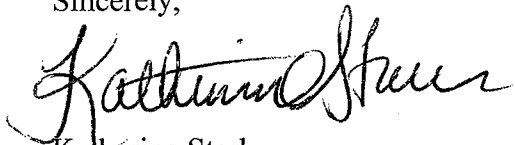
Gov't Code § 552.158. You inform us the information at issue pertains to applicants for an appointment by the governor. You state, "contained within the responsive documents, attached as Exhibit C, is information indicating the home addresses of individuals appointed

by the Governor, which was obtained from the appointee's application." You further inform us the secretary's office receives a packet consisting of an appointment letter and the appointee's application from the governor's office, and that the secretary's office then uses the address from the appointee's application, which in some instances is the appointee's home address, to forward correspondence regarding the appointment and commissions. You thus seek to withhold the information you have marked within Exhibit C. On this basis, we conclude the secretary's office must withhold some of the information at issue, which we have marked, under section 552.158 of the Government Code. However, we find the remaining information the secretary's office has marked does not consist of a home address for purposes of section 552.158. In this regard, we note a post office box does not constitute a home address, nor does an incomplete address that includes only a city and state. Accordingly, the secretary's office must release the remaining information.

Finally, you ask this office to issue a previous determination that would permit the secretary's office to withhold applicant home addresses under section 552.158 of the Government Code without requesting a ruling from this office. We decline to issue such a previous determination at this time. Accordingly, 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,



Katherine Stark
Attorney
Open Records Division

KS/mo

Ref: ID# 746234

Enc. Submitted documents

c: Requestor
(w/o enclosures)