



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 25, 2019

Ms. D'Ann Shea Smith  
Assistant City Attorney  
City of Sugar Land  
P.O. Box 110  
Sugar Land, Texas 77487-0110

OR2019-11004

Dear Ms. Smith:

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# 768904 (City ID# W006410).

The City of Sugar Land (the "city") received a request for seventeen categories of information related to city employees during a specified time period. You claim portions of the submitted information are excepted from disclosure under sections 552.136 and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.136 of the Government Code provides, "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136(b); *see id.* § 552.136(a) (defining "access device"). You state the employee identification numbers you have marked are used to access employee payroll and benefit information. Accordingly, the city must withhold the information you have marked under section 552.136 of the Government Code.

You seek to withhold the identifying information of an undercover officer from the remaining information under section 552.152 of the Government Code. Section 552.152 of the Government Code provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

*Id.* § 552.152. You represent the release of the undercover officer's identity would subject the officer to a substantial threat of physical harm. Therefore, we find section 552.152 is applicable to the identity of the undercover officer within the information at issue. Accordingly, with the exception of the information we have marked for release, the city must withhold the information you have marked under section 552.152 of the Government Code. However, we find you have not demonstrated the release of the remaining information you have marked would subject an employee of the department to a substantial threat of physical harm. Thus, the department may not withhold the remaining information under section 552.152 of the Government Code.

In summary, the city must withhold the information you have marked under section 552.136 of the Government Code. With the exception of the information we have marked for release, the city must withhold the information you have marked under section 552.152 of the Government Code. 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](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,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/gw

Ref: ID# 768904

Enc. Submitted documents

c: Requestor  
(w/o enclosures)