



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 20, 2019

Ms. Kayla Landeros  
City Attorney  
City of Temple  
2 North Main Street, Suite 308  
Temple, Texas 76501

OR2019-13373

Dear Ms. Landeros:

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# 766593.

The City of Temple (the "city") received a request for copies of resignation or retirement letters from Temple Police Department officers during a specified time period. You claim the submitted information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.117(a)(2) of the Government Code applies to records a governmental body holds in an employment capacity and excepts from public disclosure the current and former home addresses and telephone numbers, emergency contact information, social security number, and family member information of a peace officer, regardless of whether the peace officer made an election under section 552.024 or section 552.1175 of the Government Code to keep such information confidential. Gov't Code § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. *Id.* Accordingly, if the individuals whose information we marked are still licensed peace officers, the city must withhold the information we marked under section 552.117(a)(2) of

the Government Code. If the individuals whose information we marked are no longer licensed peace officers, the city may not withhold their information under section 552.117(a)(2) of the Government Code. However, no portion of the remaining information is subject to section 552.117(a)(2), and the city may not withhold any of the remaining information on this basis.

In the instance the individuals whose information is at issue are no longer licensed police officers, the information at issue may be subject to section 552.117(a)(1) of the Government Code. Section 552.117(a)(1) excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of a current or former employee or official of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. *See* Gov't Code § 552.117(a)(1). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *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 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. Therefore, to the extent the individuals whose information is at issue are no longer peace officers as defined by article 2.12 of the Code of Criminal Procedure and to the extent these individuals timely requested confidentiality under section 552.024 of the Government Code, the city must withhold the information we marked under section 552.117(a)(1) of the Government Code. However, no portion of the remaining information is subject to section 552.117(a)(1), and the city may not withhold any of the remaining information on this basis.

In summary, if the individuals whose information we marked are still licensed peace officers, the city must withhold the information we marked under section 552.117(a)(2) of the Government Code. To the extent the individuals whose information is at issue are no longer peace officers as defined by article 2.12 of the Code of Criminal Procedure and to the extent these individuals timely requested confidentiality under section 552.024 of the Government Code, the city must withhold the information we marked under section 552.117(a)(1) 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,

A handwritten signature in black ink that reads "Britni Ramirez". The signature is written in a cursive, flowing style.

Britni Ramirez  
Assistant Attorney General  
Open Records Division

BR/sb

Ref: ID# 766593

Enc. Submitted documents

c: Requestor  
(w/o enclosures)