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ATTORNEY GENERAL OF TEXAS

June 17, 2019

Mr. Christopher D. Leavins
Counsel for the City of Vidor
Germer, P.L.L.C.
P.O. Box 4915
Beaumont, Texas 77704

OR2019-16324

Dear Mr. Leavins:

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# 771087.

The City of Vidor (the "city"), which you represent, received a request for several categories of information pertaining to all current and former city employees during a specified time period, including their birth years and home zip codes. The city states it is releasing some of the requested information. The city claims the submitted years of birth and zip codes are excepted from disclosure under sections 552.102 and 552.117 of the Government Code.¹ We have considered the exceptions the city claims and reviewed the submitted information.

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."² Gov't Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). However, upon review, we find the

¹Although the city section 552.1175 of the Government Code for portions of the submitted information, section 552.117 is the proper exception for information the city holds in an employment capacity.

²Although the city claims section 552.101 of the Government Code in conjunction with common-law privacy for the submitted years of birth, we note section 552.102 is the proper exception for information the city holds in an employment capacity.

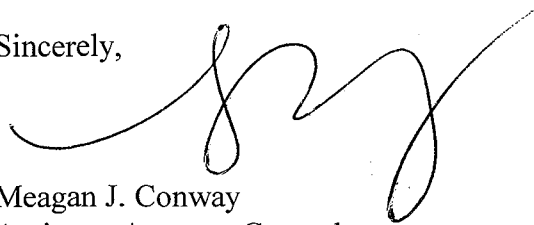
requested employees' years of birth alone are not subject to section 552.102(a) of the Government Code, and the city may not withhold this information on that basis.

Section 552.117(a)(1) of the Government Code 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). We note an incomplete address that only states a zip code does not consist of a "home address" for purposes of section 552.117, and this type of information may not be withheld on that basis. *See id.*; Open Records Decision No. 622 at 4 (1994) (purpose of section 552.117 is to protect public employees from being harassed at home); *see also* Open Records Decision No. 658 at 4 (1998) (statutory confidentiality provision must be express and cannot be implied). Accordingly, we find the requested zip codes do not consist of information that is subject to section 552.117, and the city may not withhold this information under section 552.117(a)(1) of the Government Code. The city must release the requested 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, 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,



Meagan J. Conway
Assistant Attorney General
Open Records Division

MC/gw

Ref: ID# 771087

Enc. Submitted documents

c: Requestor
(w/o enclosures)