



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 28, 2019

Ms. Nneka Kanu
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2019-17882

Dear Ms. Kanu:

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# 772823 (GC No. 25888).

The City of Houston (the "city") received a request for information pertaining to the meeting calendar of the city's mayor from a specified time period. You state the city will release some information. We understand the city will redact information subject to section 552.117 of the Government Code pursuant to section 552.024 of the Government Code.¹ You claim some of the submitted information is excepted from disclosure under section 552.152 of the

¹Section 552.117 of the Government Code excepts from disclosure the home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former officials or employees of a governmental body. *See* Gov't Code § 552.117(a)(1). Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117 without requesting a decision from this office if the current or former employee or official chooses not to allow public access to the information. *See id.* § 552.024(c).

Government Code.² We have considered the exception you claim and reviewed the submitted representative sample of information.³

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.

Gov't Code § 552.152. You raise section 552.152 of the Government Code for some of the submitted information. You state some of the information at issue “reveals the name of an officer assigned to the [m]ayor’s protective detail.” You represent the release of the officer’s identity would subject the officer to a substantial threat of physical harm. Accordingly, the city must withhold the information we marked under section 552.152 of the Government Code. However, upon review, we find you have failed to demonstrate the release of the remaining information at issue would subject an employee or officer to a substantial risk of physical harm. Accordingly, the city may not withhold any of the remaining information 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.

²You acknowledge and we agree the city failed to comply with the procedural requirements of section 552.301(e) of the Government Code in requesting a decision from this office. See Gov't Code § 552.301(b), (e). Nonetheless, section 552.152 of the Government Code can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will address the applicability of this exception to the submitted information, notwithstanding the city’s violation of section 552.301 in requesting this decision.

³We assume the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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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,



Matthew Taylor
Assistant Attorney General
Open Records Division

MHT/be

Ref: ID# 772823

Enc. Submitted documents

c: Requestor
(w/o enclosures)