



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 15, 2019

Ms. Donna Clarke
City Attorney
Town of Ransom Canyon
24 Lee Kitchens Drive
Ransom Canyon, Texas 79366-2299

OR2019-19104

Dear Ms. Clarke:

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# 783176.

The Ransom Canyon Police Department (the "department") received two requests from different requestors for a specified incident report. You state you have released some information to the requestors. You claim some of the submitted information is excepted from disclosure under sections 552.1175 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. *See* Gov't Code § 552.1175. Section 552.1175 applies, in part, to "peace officers as defined by Article 2.12, Code of Criminal Procedure[.]" *Id.* § 552.1175(a)(1). Some of the information at issue relates peace officers and is not held by the department in an employment capacity. Accordingly, to the extent the officers at issue elect to restrict access to their information in accordance with section 552.1175(b), then, with the exception

¹Although you raise section 552.117 of the Government Code, we note section 552.1175 of the Government Code is the proper exception to raise for information not held in an employment context.

of the information we have marked for release, the department must withhold the information you have marked under section 552.1175 of the Government Code. Conversely, if the officers at issue do not elect to restrict access to this information in accordance with section 552.1175(b), the department may not withhold the information at issue under section 552.1175 of the Government Code. However, we find the remaining information you have marked is not subject to section 552.1175. Accordingly, the department may not withhold the remaining information on that basis. As you raise no further exceptions to disclosure, the department 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, 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/be

Ref: ID# 783176

Enc. Submitted documents

c: 2 Requesters
(w/o enclosures)