



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 26, 2019

Mr. Nicholas Morrell
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 13084 Capitol Station
Austin, Texas 78711-3084

OR2019-27047

Dear Mr. Morrell:

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# 787534.

The Texas Department of Criminal Justice (the "department") received a request for specified information about the spouse of a named department employee. You state the department withheld information as permitted by section 552.1175(f) of the Government Code without requesting a decision from this office. Pursuant to section 552.1175(g), the requestor has asked this office to review the information redacted by the department and render a decision as to whether it is excepted from disclosure under section 552.1175(b) of the Government Code. We have considered the department's position and reviewed the information.

Section 552.117(a)(3) of the Government Code excepts from public disclosure the home address and telephone number, emergency contact information, social security number, and family member information of current or former employees of the department or any division of the department, regardless of whether the current or former employee complies with section 552.1175 of the Government Code.¹ Gov't Code § 552.117(a)(3). Upon

¹ Although the you withheld information under section 552.1175 of the Government Code, we note section 552.117 is the proper exception to raise for information held in an employment context. We note the Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body. *See* Open Records Decision Nos. 481 at 2 (1987), 480 at 5 (1987). We further note Open Records Letter No. 2005-01067 (2005) serves as a previous determination permitting the department to withhold the present and former home addresses and telephone numbers, social security numbers, and family member information of current or former employees of the department, regardless of whether they comply with section 552.1175 of the

review, we find, to the extent responsive information exists, the department must withhold it pursuant to section 552.117(a)(3) of the Government Code.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/rm

Ref: ID# 787534

Enc. Submitted documents

c: Requestor
(w/o enclosures)