



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 10, 2019

Ms. Jennifer Saenz
Assistant General Counsel
Office of the Speaker of the House
P.O. Box 2910
Austin, Texas 78768-2910

OR2019-28531

Dear Ms. Saenz:

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# 790788.

The Office of the Speaker of the Texas House of Representatives (the "speaker's office") received a request for records containing specified terms and named individuals from a specified period of time. You state you are releasing some information. You state the speaker's office has withheld some information pursuant to section 306.004 of the Government Code and pursuant to Open Records Decision No. 684.¹ You claim some of the submitted information is excepted from disclosure under section 552.152 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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.

¹Release of information subject to section 306.004(a) of the Government Code is governed by chapter 306, not the Act, and it is within the discretion of a legislator to either withhold or release such information. *See* Gov't Code § 306.004(a); *see also* Open Records Decision No. 648 at 3-7 (1996). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general opinion.

Gov't Code § 552.152. The speaker's house asserts the information at issue includes information related to the future schedules, including specific dates, times, and locations, of the speaker. The speaker's house argues release of the information at issue would subject the speaker to a substantial threat of physical harm. Upon review, we find the speaker's house has demonstrated release of some of the information at issue, which it has marked, would subject the speaker to a substantial threat of physical harm. Thus, the speaker's office may withhold the information it has marked under section 552.152 of the Government Code. The remaining information must be released.

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/rm

Ref: ID# 790788

Enc. Submitted documents

c: Requestor
(w/o enclosures)