



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 12, 2019

Mr. Christopher B. Gilbert
Counsel for Splendora Independent School District
Thompson & Horton LLP
3200 Southwest Freeway, Suite 2000
Houston, Texas 77027

OR2019-35196

Dear Mr. Gilbert:

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# 800796.

The Splendora Independent School District (the "district") received a request for the first fifty pages of the personnel file of the district's police chief. You state the district released information to the requestor, but made redactions as permitted by sections 552.024(c), 552.1175(f), and 552.130(c) of the Government Code without requesting a decision from this office. Pursuant to sections 552.024(c-1), 552.1175(g), and 552.130(d), the requestor has asked this office to review the information redacted by the district and render a decision as to whether it is excepted from disclosure under sections 552.117(a)(1), 552.1175(a), and 552.130(a) of the Government Code. We have considered the district's position and reviewed the information.

Section 552.117(a)(2) applies to records a governmental body holds in an employment capacity and excepts from public disclosure the home address, home telephone number, emergency contact information, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code. *See* Gov't Code § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. Accordingly, the district must

withhold the information the chief's information we marked under section 552.117(a)(2).¹ However, we find the remaining information is not subject to section 552.117(a)(2) of the Government Code and may not be withheld 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 id.* § 552.117(a)(1). Upon review, we find the remaining information is not subject to section 552.117(a)(1) of the Government Code and may not be withheld on that basis.

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 id.* § 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). Upon review, we find the remaining information is held by the district in an employment context and may not be withheld under section 552.1175.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See id.* § 552.130. You inform us the marked identification number is the chief's driver's license number. Accordingly, the district must continue to withhold the motor vehicle record information you previously redacted under section 552.130 of the Government Code.

Section 552.137 excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See id.* § 552.137(a)-(c). Section 552.137 is not applicable to an institutional e-mail address, an Internet website address, an e-mail address that a governmental entity maintains for one of its officials or employees, or a personal e-mail address belonging to a district employee or official used to conduct official government business. *See Austin Bulldog v. Leffingwell*, 490 S.W.3d 240 (Tex. App.—Austin 2016, no pet.) (holding personal e-mail addresses of government officials used to

¹ As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information. We note Open Records Decision No. 670 authorizes all governmental bodies to withhold the current and former home addresses and telephone numbers, personal cellular telephone and pager numbers, social security numbers, and family member information of peace officers under section 552.117(a)(2) of the Government Code without the necessity of requesting an attorney general decision. Open Records Decision No. 670 (2001) at 6.

conduct official government business are not e-mail addresses of “members of the public” for purposes of Gov’t Code § 552.137(a). You state the submitted personal e-mail address has not been used to conduct district business. Further, you do not inform us the district has received affirmative consent to release the submitted personal e-mail address. Accordingly, the district must withhold the personal e-mail address we marked under section 552.137 of the Government Code.²

In summary, the district must withhold the information marked under sections 552.117, 552.130, and 552.137 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/mo

Ref: ID# 800796

Enc. Submitted documents

c: Requestor
(w/o enclosures)

² We note Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain 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 decision.