



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 25, 2020

Ms. Danielle Hammonds  
Records Manager  
City of Gilmer  
P.O. Box 760  
Gilmer, Texas 75644

OR2020-06037

Dear Ms. Hammonds:

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# 813401.

The City of Gilmer (the "city") received a request for policies and procedures, as well as particular information related to a named city police officer. You state you have released some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.102 and 552.117 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requested information includes an officer's Texas Commission on Law Enforcement ("TCOLE") identification number. Section 552.002(a) of the Government Code defines "public information" as the following:

[I]nformation that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body;
- (2) for a governmental body and the governmental body:
  - (A) owns the information;

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<sup>1</sup> Although you do not raise section 552.117 of the Government Code in your brief, we understand the city to assert this exception based on your argument.

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Gov't Code § 552.002(a). In Open Records Decision No. 581 (1990), this office determined certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code. We understand the officer's TCOLE identification number is a unique computer-generated number assigned to peace officers for identification in TCOLE's electronic database, and may be used as an access device number on the TCOLE website. Thus, we find the officer's TCOLE number does not constitute public information under section 552.002 of the Government Code. Therefore, the officer's TCOLE number is not subject to the Act and need not be released to the requestor.

Next, we note the requestor seeks particular categories of information. Thus, the remaining portions of the documents that do not consist of the particular information requested are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request, and the city is not required to release that information in response to the request.

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." *Id.* § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). Upon review, we find the city must withhold the police officer's date of birth under section 552.102(a) of the Government Code.<sup>2</sup> However, we find no portion of the remaining responsive information is subject to section 552.102(a) of the Government Code, and the city may not withhold it on that basis.

Section 552.117(a)(2) of the Government Code excepts from disclosure the home address, home telephone number, personal pager and cellular telephone numbers, emergency contact information, social security number, and family member information of a peace officer, regardless of whether the peace officer complies with sections 552.024 or 552.1175

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<sup>2</sup> As our ruling is dispositive, we need not address the remaining argument against disclosure of this information.

of the Government Code.<sup>3</sup> Gov't Code § 552.117(a)(2). We note that section 552.117 is not applicable to officers' names, ages, work telephone numbers, and birth dates. *Id.* § 552.117(a). Upon review, we find section 552.117(a)(2) is not applicable to the remaining responsive information, and the city may not withhold the information at issue under section 552.117(a)(2).

In summary, the officer's TCOLE number does not constitute public information under section 552.002 of the Government Code, and it need not be released to the requestor. The city must withhold the police officer's date of birth under section 552.102(a) of the Government Code. The city must release the remaining responsive 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 <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,



Erin Groff  
Assistant Attorney General  
Open Records Division

EMG/rm

Ref: ID# 813401

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>3</sup> Section 552.117(a)(2) adopts the definition of peace officer found in article 2.12 of the Code of Criminal Procedure.