



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

March 4, 2020

Ms. Angelie Thomas  
Assistant City Attorney  
City of Sugar Land  
P.O. Box 110  
Sugar Land, Texas 77487-0110

OR2020-06874

Dear Ms. Thomas:

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# 815082 (ORR W008388).

The City of Sugar Land (the "city") received a request for multiple categories of employment records pertaining to a named former employee. You claim some of the submitted information is not subject to the Act. You also claim the submitted information is excepted from disclosure under sections 552.102, 552.117, 552.1175, 552.130, and 552.136 of the Government Code. We have considered your arguments and reviewed the submitted information.

The submitted 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;
  - (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 a peace officer 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.

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). Accordingly, the city must withhold the employee's date of birth you marked under section 552.102(a) of the Government Code.

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 of the Government Code. 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. In this instance, we are unable to determine whether the individual whose information is at issue is currently a licensed peace officer as defined by article 2.12. To the extent the individual whose information is at issue is currently a licensed peace officer as defined by article 2.12, then the city must withhold the information you marked and the additional information we marked under section 552.117(a)(2) of the Government Code.<sup>1</sup> Conversely, if the individual at issue is not currently a licensed police officer as defined by article 2.12, then the city may not withhold the marked information under section 552.117(a)(2) of the Government Code.

Section 552.117(a)(1) 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 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). Whether a particular piece of information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5

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<sup>1</sup> In that event, our ruling is dispositive, and we need not address your remaining argument against disclosure of this information.

(1989). The city may only withhold information under section 552.117(a)(1) if the individual at issue elected confidentiality under section 552.024 prior to the date on which the request for this information was made. You inform us, and provide documentation demonstrating, the employee whose information is at issue timely requested confidentiality under section 552.024 of the Government Code. Therefore, to the extent the individual whose information is at issue is not a currently licensed peace officer as defined by article 2.12, the city must withhold the information you marked and the additional information we marked under section 552.117(a)(1) of the Government Code.<sup>2</sup>

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* Gov't Code § 552.130. Upon review, we find the city must withhold the motor vehicle record information you marked and the additional information we marked under section 552.130 of the Government Code.

Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a government body is confidential.” *Id.* § 552.136(b); *see id.* § 552.136(a) (defining “access device”). You state the city police officer's employee identification number, which you marked, is used to access employee payroll and benefit information. Accordingly, the city must withhold the information you marked under section 552.136 of the Government Code.

In summary, the officer's TCOLE identification number is not subject to the Act, and need not be released to the requestor. The city must withhold the employee's date of birth you marked under section 552.102(a) of the Government Code. To the extent the individual whose information is at issue is currently a licensed peace officer as defined by article 2.12, then the city must withhold the information you marked and the additional information we marked under section 552.117(a)(2) of the Government Code. To the extent the individual whose information is at issue is not a currently licensed peace officer as defined by article 2.12, the city must withhold the information you marked and the additional information we marked under section 552.117(a)(1) of the Government Code. The city must withhold the motor vehicle record information you marked and the additional information we marked under section 552.130 of the Government Code. The city must withhold the information you marked under section 552.136 of the Government Code. The city 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 <https://www.texasattorneygeneral.gov/open->

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

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,



Kieran Hillis  
Assistant Attorney General  
Open Records Division

KH/gw

Ref: ID# 815082

Enc. Submitted documents

c: Requestor  
(w/o enclosures)