



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 22, 2020

Ms. Amy Bass-Domel
Open Records
Williamson County Sheriff's Office
508 South Rock Street
Georgetown, Texas 78626

OR2020-26624

Dear Ms. Bass-Domel:

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# 850154.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for employment information pertaining to a named individual. You claim some of the submitted information is excepted from disclosure under section 552.117 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Initially, we note the sheriff's office has only submitted information responsive to portions of the request for information. To the extent any information responsive to the remaining portions of the request existed on the date the sheriff's office received the request, we assume the sheriff's office has released it. If the sheriff's office has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Section 552.117(a)(2) of the Government Code excepts from disclosure the home address, home telephone number, 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

¹ Although you also claim section 552.1175 of the Government Code for portions of the submitted information, section 552.117 is the proper exception to raise in this instance because the sheriff's office holds the submitted information in an employment capacity.

the Code of Criminal Procedure. We note section 552.117 is also applicable to personal cellular telephone numbers, provided the cellular telephone service is not paid for by a governmental body. *See* Open Records Decision No. 506 at 5-6 (1988) (section 552.117 not applicable to cellular telephone numbers paid for by governmental body and intended for official use). Upon review, we agree the submitted information, including the submitted video recording contains information subject to section 552.117. In this instance, the sheriff's office states it does not possess the technological capability to redact information from video files. However, it is unclear whether the individuals whose information is at issue are currently licensed peace officers as defined by article 2.12. If the individuals at issue are currently licensed peace officers as defined by article 2.12, then the sheriff's office must withhold the information you marked, the additional information we marked, and the entirety of the submitted video recording under section 552.117(a)(2) of the Government Code; however, the sheriff's office may only withhold the cellular telephone numbers at issue if a governmental body did not pay for the cellular telephone service. Conversely, if the individuals at issue are not currently licensed police officers as defined by article 2.12, the information at issue may not be withheld under section 552.117(a)(2) of the Government Code.

If the individuals at issue are not currently licensed peace officers, then their personal information may be subject to section 552.117(a)(1) of the Government Code, which excepts from disclosure the home addresses and telephone numbers, 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. Gov't Code § 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 (1989). Section 552.117 is also applicable to personal cellular telephone numbers, provided the cellular telephone service is not paid for by a governmental body. *See* ORD 506 at 5-6. As noted above, the sheriff's office states it does not possess the technological capability to redact information from video files. The sheriff's office may only withhold the information at issue under section 552.117(a)(1) if the individuals at issue elected confidentiality under section 552.024 prior to the date on which the request for this information was made. To the extent the individuals whose information is at issue are not currently-licensed peace officers as defined by article 2.12 of the Code of Criminal Procedure and made timely elections under section 552.024, the sheriff's office must withhold the information you marked, the additional information we marked, and the entirety of the submitted video recording under section 552.117(a)(1) of the Government Code; however, the sheriff's office may only withhold the cellular telephone numbers at issue if a governmental body did not pay for the cellular telephone service. Conversely, if the individuals at issue did not make timely elections under section 552.024, their information may not be withheld under section 552.117(a)(1) of the Government Code.

In summary, to the extent the individuals at issue are currently licensed peace officers as defined by article 2.12 of the Code of Criminal Procedure, then the sheriff's office must withhold the information you marked, the additional information we marked, and the entirety of the submitted video recording under section 552.117(a)(2) of the Government Code; however, the sheriff's office may only withhold the cellular telephone numbers at issue if a governmental body did not pay for the cellular telephone service. To the extent

the individuals at issue are not currently-licensed peace officers as defined by article 2.12 of the Code of Criminal Procedure and made timely elections under section 552.024 of the Government Code, the sheriff's office must withhold the information you marked, the additional information we marked, and the entirety of the submitted video recording under section 552.117(a)(1) of the Government Code; however, the sheriff's office may only withhold the cellular telephone numbers at issue if a governmental body did not pay for the cellular telephone service. The sheriff's office 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-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,

Pearlie Gault
Attorney
Open Records Division

PG/rm

Ref: ID# 850154

Enc. Submitted documents

c: Requestor
(w/o enclosures)