



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 24, 2020

Ms. Alicia K. Kreh  
Counsel for the City of Blue Mound  
Taylor, Olson, Adkins, Sralla, Elam, L.L.P.  
6000 Western Place, Suite 200  
Fort Worth, Texas 76107

OR2020-29393

Dear Ms. Kreh:

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# 856266.

The City of Blue Mound (the "city"), which you represent, received a request for information pertaining to a named officer. The city states it has released some of the requested information, but claims the submitted information is excepted from disclosure under section 552.1175 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.117(a)(2) of the Government Code may be applicable to some of the information at issue.<sup>1</sup> Section 552.117(a)(2) excepts from public disclosure the home addresses, home telephone numbers, 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 section 552.024 or 552.1175 of the Government Code.<sup>2</sup> Gov't Code § 552.117(a)(2). The city explains the submitted video recording contains information that pertains to a former city police officer. However, the city does not inform us whether the employee at issue is currently a licensed

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<sup>1</sup> The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision Nos. 481 at 2 (1987), 480 at 5 (1987).

<sup>2</sup> "Peace officer" is defined by article 2.12 of the Code of Criminal Procedure.

peace officer as defined by article 2.12 of the Code of Criminal Procedure. If the employee at issue is a currently licensed peace officer as defined by article 2.12, then the information that the city has indicated is confidential under section 552.117(a)(2) of the Government Code. The city states it lacks the technical capability to redact this information from the video recording. Based on this representation, we conclude the city must withhold the submitted video recording in its entirety under section 552.117(a)(2) of the Government Code if the former officer is currently a licensed peace officer as defined by article 2.12 of the Code of Criminal Procedure. If the employee is not a currently licensed peace officer as defined by article 2.12, then the city may not withhold this information under section 552.117(a)(2). Nevertheless, if the employee is not currently a licensed peace officer, then the information at issue may be subject to section 552.117(a)(1) 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* Gov't Code § 552.117(a)(1). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may be withheld under section 552.117(a)(1) only on behalf of a current or former employee who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information. Information may not be withheld under section 552.117(a)(1) on behalf of a current or former employee who did not timely request under section 552.024 the information be kept confidential. Therefore, if the employee is not a currently licensed peace officer as defined by article 2.12 and he timely requested confidentiality under section 552.024 of the Government Code, then the city must withhold the submitted recording in its entirety under section 552.117(a)(1) of the Government Code. If the former employee is not a currently licensed as a peace officer as defined by article 2.12 and he did not timely request confidentiality under section 552.024, then the city may not withhold the information at issue under section 552.117(a)(1).

In summary, the city must withhold the submitted video recording under section 552.117(a)(2) of the Government Code if the employee at issue is a currently licensed peace officer as defined by article 2.12 of the Code of Criminal Procedure. If the employee is not a currently licensed peace officer as defined by article 2.12 and he timely requested confidentiality under section 552.024 of the Government Code, then the city must withhold the submitted recording under section 552.117(a)(1) of the Government Code. If the former employee is not a currently licensed as a peace officer as defined by article 2.12 and he did not timely request confidentiality under section 552.024, then the city must release the submitted 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,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/be

Ref: ID# 856266

Enc. Submitted documents

c: Requestor  
(w/o enclosures)