



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 27, 2022

Ms. Marie N. Johnson
Counsel for the Woodlands Township
Messer, Fort & McDonald
6371 Preston Road, Suite 200
Frisco, Texas 75034

OR2022-02297

Dear Ms. Johnson:

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# 926198.

The Woodlands Township (the "township"), which you represent, received a request for "the information of" an individual who was involved in a specified incident. The township claims the submitted information is excepted from disclosure under section 552.148 of the Government Code. We have considered the exception the township claims and reviewed the submitted information.

Initially, we note the requestor seeks the identifying information relating to the specified individual. Upon review, we find only the name, address, telephone number, e-mail address, and parents' names are identifying of the individual at issue. Thus, the portions of the submitted documents that do not consist of the 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 township is not required to release that information in response to the request.

The responsive information includes an e-mail address that is subject to section 552.137 of the Government Code.¹ 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* Gov’t Code § 552.137(a)-(c). The e-mail address at issue is not excluded by subsection (c). Therefore, the township must withhold the personal e-mail address within the responsive information under section 552.137 of the Government Code, unless the owner affirmatively consents to its public disclosure.²

The township argues the remaining responsive information is protected by section 552.148 of the Government Code. Section 552.148 provides the following:

- (a) In this section, “minor” means a person younger than 18 years of age.
- (b) The following information maintained by a municipality for purposes related to the participation by a minor in a recreational program or activity is excepted from [required disclosure]:
 - (1) the name, age, home address, home telephone number, or social security number of the minor;
 - (2) a photograph of the minor; and
 - (3) the name of the minor’s parent or legal guardian.

Id. § 552.148. Section 552.148 specifically applies to information maintained by a municipality “for purposes related to the participation by a minor in a recreational program or activity[.]” *Id.* § 552.148(b). Upon review, we agree the submitted information is related to participation in a recreational program or activity, and section 552.148 of the Government Code is applicable to some of the information. Accordingly, the township must withhold the remaining responsive information under section 552.148 of the Government Code.

In summary, the township must withhold the personal e-mail address within the responsive information under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure. The township must withhold the remaining responsive information under section 552.148 of the Government Code.

¹ The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

² As our ruling is dispositive for this information, we need not address the remaining argument against its disclosure.

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,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/jxd

Ref: ID# 926198

c: Requestor