



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

May 20, 2022

Mr. Kieran Hillis  
Public Information Coordinator & Assistant General Counsel  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711

OR2022-14533

Dear Mr. Hillis:

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# 948990 (OOG ID# 112-22).

The Office of the Governor (the "governor's office") received a request for certain information pertaining to a specified case. Although the governor's office takes no position as to whether the submitted information is excepted under the Act, the governor's office states release of the submitted information may implicate the interests of the 286th Judicial District Attorney's Office (the "district attorney's office"). Accordingly, the governor's office states it notified the district attorney's office of the request for information and of the right to submit arguments to this office as to why the submitted information should not be released.<sup>1</sup> *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have reviewed the submitted information.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential.<sup>2</sup> *Id.* § 552.1175. Section 552.1175, applies, in part, to "a current or former district attorney, criminal district attorney, or county or municipal attorney whose

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<sup>1</sup> As of the date of this letter, we have not received comments from the district attorney's office explaining why any of the submitted information should not be released.

<sup>2</sup> 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).

jurisdiction includes any criminal law or child protective services matters[.]” *Id.* § 552.1175(a)(5). Section 552.1175 also encompasses a personal cellular telephone number, unless the cellular telephone service is paid for by a governmental body. *See* Open Records Decision No. 506 at 5-7 (1988) (statutory predecessor to section 552.117 not applicable to cellular telephone numbers provided and paid for by governmental body and intended for official use). Accordingly, to the extent the information we have marked pertains to an individual who is subject to section 552.1175(a) of the Government Code and who elects to restrict access to their information in accordance with section 552.1175(b) of the Government Code, the governor’s office must withhold the cellular telephone number we have marked under section 552.1175 of the Government Code as long as the cellular telephone service is not paid for by a governmental body. Conversely, if the individual is not subject to section 552.1175(a) of the Government Code or does not elect to restrict access to this information in accordance with section 552.1175(b), then the governor’s office may not withhold the information at issue under section 552.1175 of the Government Code. The governor’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,

Alexandra C. Burks  
Assistant Attorney General  
Open Records Division

ACB/jm

Ref: ID# 948990

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Interested Party  
(w/o enclosures)