



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 13, 2022

Ms. Jerris Penrod Mapes
Assistant City Attorney
City of Baytown
P.O. Box 424
Baytown, Texas 77522-0424

OR2021-20185

Dear Ms. Mapes:

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# 958806.

The City of Baytown (the "city") received a request for the e-mail addresses and phone numbers of members of the animal advisory committee. You state the city released information to the requestor, but made redactions as permitted by section 552.024(c) of the Government Code without requesting a decision from this office. Pursuant to section 552.024(c-1) the requestor has asked this office to review the information redacted by the city and render a decision as to whether it is excepted from disclosure under section 552.117(a)(1) of the Government Code. We have considered the city's position and reviewed the information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released).

Section 552.117(a)(1) of the Government Code excepts from disclosure the home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. *Id.* § 552.117(a)(1). 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.). Whether 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). The submitted documentation reflects the individuals whose personal information is at issue elected to keep such information confidential prior to the date the city received the instant request for information. Upon review, we find the city must continue to withhold the redacted information under section 552.117(a)(1) of the Government Code pertaining to the named officials; however, the marked cellular telephone numbers may be withheld only if a governmental body does not pay for the cellular telephone service.

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,

Jahna Ward
Assistant Attorney General
Open Records Division

JW/mo

Ref: ID# 958806

Enc. Submitted documents

c: Requestor
(w/o enclosures)