



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 18, 2022

Mr. Nicholas Toulet  
Assistant City Attorney  
City of Midland  
P.O. Box 1152  
Midland, Texas 79701

OR2022-20774

Dear Mr. Toulet:

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# 959729 (ORR# M037002).

The City of Midland (the "city") received a request for a specified bid submitted in relation to bid number 22001935. The city claims the submitted information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception the city claims and reviewed the submitted information.

Section 552.117(a)(1) of the Government Code 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 or official 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)*. However, we note section 552.117 applies only to information held by a governmental body in an employment context. Information that is not held in an employment context may not be withheld under section 552.117(a)(1). Upon review, we find the submitted information is not held by the city in an employment context. Consequently, the city may not withhold any portion of the submitted information under section 552.117(a)(1) of the Government Code.

Some of the submitted information is subject to section 552.1175 of the Government Code.<sup>1</sup> Section 552.1175 provides in part:

(a) This section applies only to:

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<sup>1</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).

...

(17) and elected public officer[.]

(b) Information that relates to the home address, home telephone number, emergency contact information, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

(1) chooses to restrict public access to the information; and

(2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(a)(17), (b). The information we marked consists of information of an elected public officer. *See id.*; *cf. id.* Gov't Code § 552.117(c)) (providing "family member" has meaning assigned by Fin. Code § 31.006(d). The city indicates the individual at issue has elected to restrict access to the information in accordance with section 552.1175(b). Thus, the city must withhold the information we marked under section 552.1175. The city 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,

Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/mo

Ref: ID# 959729

Enc. Submitted documents

c: Requestor  
(w/o enclosures)