



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 15, 2022

Mr. Eric Nguyen  
City Attorney  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2022-28266

Dear Mr. Nguyen:

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# 972321 (PIR No. S000295).

The City of Houston (the "city") received a request for a specified report regarding an incident involving the requestor occurring at George Bush Intercontinental Airport. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the interests of the United States Department of Homeland Security (the "DHS"). Accordingly, you state, and provide documentation showing, the department notified the DHS of the request for information and of its right to submit arguments to this office. *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 representative sample of information.

As of the date of this letter, we have not received any comments from the DHS explaining why any portion of the submitted information should not be released to the requestor. Thus, the city may not withhold the submitted information based on any interests the DHS may have in the information at issue.

Section 552.137 of the Government Code 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).<sup>1</sup> *See id.* § 552.137(a)-(c). Upon review, we find the city must withhold the e-mail address we marked under section 552.137 of the Government Code, unless the owner affirmatively consents to its public disclosure or subsection (c) applies. 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,

Britni Ramirez  
Assistant Attorney General  
Open Records Division

BR/jxd

Ref: ID# 972321

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)

---

<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).