

2011 LEGISLATIVE UPDATE:
CHANGES TO THE TEXAS
PUBLIC INFORMATION ACT

INCLUDING STATUS OF
PERSONAL E-MAILS

by

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NON-SUBSTANTIVE CHANGES

While non-substantive changes were made throughout the Public Information Act, the most significant occurred when the Eighty-second Legislature amended the titles to several exceptions to now state “Exception: Confidentiality of _____.” The Attorney General views these as a codification of its determination as to which exceptions are mandatory or permissive. *See* PUBLIC INFORMATION 2012 HANDBOOK at p.41. The affected provisions are now titled as follows:

<u>Section</u>	<u>New Title</u>
552.102	Exception: Confidentiality of Certain Personnel Information
552.109	Exception: Confidentiality of Certain Private Communications of An Elected Office Holder
552.110	Exception: Confidentiality of Trade Secrets; Confidentiality of Certain Commercial or Financial Information
552.113	Exception: Confidentiality of Geological or Geophysical Information
552.114	Exception: Confidentiality of Student Records
552.115	Exception: Confidentiality of Birth and Death Records
552.117	Exception: Confidentiality of Certain Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information
552.118	Exception: Confidentiality of Official Prescription Form
552.119	Exception: Confidentiality of Certain Photographs of Peace Officers
552.120	Exception: Confidentiality of Certain Rare Books and Original Manuscripts
552.121	Exception: Confidentiality of Certain Documents Held for Historical Research
552.123	Exception: Confidentiality of Name of Applicant for Chief Executive Officer of Institution of Higher Education
552.124	Exception: Confidentiality of Identity of Private Donor to Institution of Higher Education
552.124	Exception: Confidentiality of Records of Library or Library System
552.126	Exception: Confidentiality of Name of Applicant for Superintendent of Public School District
552.127	Exception: Confidentiality of Personal Information Relating to Participants in Neighborhood Crime Watch Organization
552.128	Exception: Confidentiality of Certain Information Submitted by Potential Vendor or Contractor
552.129	Confidentiality of Certain Motor Vehicle Inspection Information

- 552.130 Exception: Confidentiality of Certain Motor Vehicle Records
- 552.131 Exception: Confidentiality of Certain Economic Development Information
- 552.133 Exception: Confidentiality of Public Power Utility Competitive Matters
- 552.134 Exception: Confidentiality of Certain Information Relating to Inmate of Department of Criminal Justice
- 552.135 Exception: Confidentiality of Certain Information Held by School District
- 552.138 Exception: Confidentiality of Family Violence Shelter Center and Sexual Assault Program Information
- 552.139 Exception: Confidentiality of Government Information Related to Security or Infrastructure Issues for Computers
- 552.140 Exception: Confidentiality of Military Discharge Honors
- 552.142 Exception: Confidentiality of Records of Certain Deferred Adjudications and Certain Misdemeanors Punishable by Fine Only
- 552.145 Exception: Confidentiality of Texas No-Call List
- 552.148 Exception: Confidentiality of Certain Personal Information Maintained by Municipality Pertaining to a Minor
- 552.149 Exception: Confidentiality of Records of Comptroller or Appraisal District Received from Private Entity
- 552.150 Exception: Confidentiality of Information that Could Compromise Safety of Officer or Employee of Hospital District
- 552.151 Exception: Confidentiality of Information Regarding Select Agents
- 552.152 Exception: Confidentiality of Information Concerning Public Employee or Officer Personal Safety
- 552.153 Exception: Name of Applicant for Executive Director, Chief Investment Officer, or Chief Audit Executive of Teacher Retirement System of Texas

SUBSTANTIVE CHANGES

REPEALED

Tex. Gov't Code Ann. § 552.0037 - **Certain Entities Authorized to Take Property Through Eminent Domain** was repealed in its entirety through Senate Bill 18 Section 17 (82R), effective September 1, 2011. It previously stated:

“Notwithstanding any other law, information collected, assembled, or maintained by an entity that is not a governmental body but is authorized by law to take private property through the use of eminent domain is subject to this chapter in the same manner as information collected, assembled, or maintained by a

governmental body, but only if the information is related to the taking of private property by the entity through the use of eminent domain.”

ADDED

Tex. Gov’t Code Ann. § 552.0038 - Public Retirement Systems Subject to Law

This section addresses the confidentiality of a public retirement system governing body. The main take-away points include:

1. Records of listed individuals in the custody of the retirement system or identified custodians are confidential and not subject to public disclosure.
2. The retirement system and other identified sources are not required to accept or comply with a request for a record or information about a record or to seek an opinion from the Attorney General because the records are exempt, except as otherwise provided.
3. To whom records may be released is delineated and does not include general public or a requestor, unless the requestor falls within the specific list.
4. Records released or received by the retirement system under this section can be transmitted electronically. Unintentional disclosures to or unauthorized access by a third party related to the transmission or receipt of information under this section is not a violation by the retirement system of any law, including a law or rule relating to the protection of confidential information.
5. Records remain confidential even after release to persons authorized by this section. If the records become a part of the public record of an administrative or judicial proceeding related to a contested case, confidentiality is waived for the records by certain persons including the member, beneficiary, or program participant. This waiver extends to medical records, unless the records are closed to public access by a protective order issued under applicable law.
6. Retirement system can require participant’s social security number to ensure compliance.
7. The retirement system has sole discretion in determining whether a record is subject to this section.

Tex. Gov’t Code Ann. § 552.153 – Exception: Name of Applicant for Executive Director, Chief Investment Officer, or Chief Audit Executive of Teacher Retirement System of Texas

The name of an applicant for the position of executive director, chief investment officer, or chief audit executive of the Teacher Retirement System of Texas is excepted from disclosure except that the board of trustees of the Teacher Retirement System of Texas must give public notice of the names of three finalists being considered for one of those positions at least 21 days before the

date of the meeting at which the final action or vote is to be taken on choosing a finalist for employment.

Tex. Gov't Code Ann. § 552.153 – Proprietary Records and Trade Secrets Involved in Certain Partnerships

No, it's not a typo on our end. There really are two sections 552.153. Here, it is important to note that certain terms have the meanings as assigned by Section 2267.001 of the Texas Government Code. These terms include: "affected jurisdiction," "comprehensive agreement," "contracting person," "interim agreement," "qualifying project," and "responsible governmental entity."

Information in the custody of a responsible governmental entity that relates to a proposal for a qualifying project authorized under Chapter 2267 is excepted from disclosure in the following situations:

- (1) the information consists of memoranda, staff evaluations, or other records prepared by the responsible governmental entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under Chapter 2267 for which:
 - (A) disclosure to the public before or after the execution of an interim or comprehensive agreement would adversely affect the financial interest or bargaining position of the responsible governmental entity; and
 - (B) the basis for the determination under Paragraph (A) is documented in writing by the responsible governmental entity; or
- (2) the records are provided by a contracting person to a responsible governmental entity or affected jurisdiction under Chapter 2267 and contain:
 - (A) trade secrets of the contracting person;
 - (B) financial records of the contracting person, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or other means; or
 - (C) other information submitted by the contracting person that, if made public before the execution of an interim or comprehensive agreement, would adversely affect the financial interest or bargaining position of the responsible governmental entity or the person.

Except as specifically provided by Subsection (b), Section 552.153 does not authorize the withholding of information concerning:

- (1) the terms of any interim or comprehensive agreement, service contract, lease, partnership, or agreement of any kind entered into by the responsible governmental entity and the contracting person or the terms of any financing arrangement that involves the use of any public money; or
- (2) the performance of any person developing or operating a qualifying project under Chapter 2267.

Tex. Gov't Code Ann. §552.309 – Timeliness of Action by Electronic Submission

You can now e-file with the Office of the Attorney General. If you e-file through the Attorney General's designated e-filing system within the proscribed period, the filing requirement is met in a timely fashion. Similarly, the Attorney General may electronically transmit a notice, decision, or other document, and when that office does so within the required time frame, it is a timely submission. This section does not affect the right of a person or governmental body to submit information to the Attorney General under Section 552.308 ("Timeliness of Action by United States Mail, Interagency Mail, or Common or Contract Carrier").

Tex. Gov't Code Ann. § 552.0215 - Right of Access to Certain Information After 75 Years

Except as provided by Section 552.147 ("Social Security Numbers"), the confidentiality provisions of Chapter 552, or other law, information that is not confidential but is excepted from required disclosure under Subchapter C is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body. This section does not limit the authority of a governmental body to establish retention periods for records under applicable law.

MODIFIED

Tex. Gov't Code Ann. § 552.022 - Categories of Public Information – Examples

The exceptions to the "super public list" under 552.022 have changed. As of September 1, 2011, the information need not be *expressly confidential under other law* to be excepted. The changes provide that super public information is not excepted from required disclosure *unless made confidential under [Chapter 522] or other law*.

Tex. Gov't Code Ann. § 552.024 - Electing to Disclose Address and Telephone Number

"Emergency contact information" was added to the list of information excepted from disclosure when the employee makes this election within the specified time frame. The governmental entity may redact all information under 552.024 without requesting an Attorney General opinion, but the requestor is entitled to seek a decision from the Attorney General about the matter. To redact information without an Attorney General Opinion, the governmental body must provide the following information to the requestor on a form prescribed by the Attorney General: (1) a description of the redacted or withheld information; (2) a citation to this section; and (3) instructions regarding how the requestor may seek a decision from the Attorney General regarding whether the redacted or withheld information is excepted from disclosure. Requirements of the Attorney General including establishment of rules and deadlines are set

forth in this section. Either the requestor or the governing body that redacts under this section may appeal to a Travis County District Court.

Note that employee birth dates maintained in personnel files are covered under 552.102, and not 552.024 or 552.117.

Tex. Gov't Code Ann. § 552.116 - Exception: Audit Working Papers

This provision includes two changes. First, this section now applies to hospital districts. Second, “audit” was broadened to also include “an audit authorized or required by...*the bylaws adopted by or other action of the governing board of a hospital district...*” In its updated handbook, the Attorney General provides that to the extent information in an audit working paper is maintained in another record as well, such other record is not excepted from this amendment, although it may be withheld under another exception under the Act. PUBLIC INFORMATION 2012 HANDBOOK at pp.123-124.

Tex. Gov't Code Ann. § 552.117 - Exception: Confidentiality of Certain Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information

“Emergency contact information” was added to the list of items excepted from disclosure. This addition also appears in Section 552.024.

Note that employee birth dates maintained in personnel files are covered under 552.102, and not 552.024 or 552.117.

Tex. Gov't Code Ann. § 552.1175 - Confidentiality of Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information of Peace Officers, County Jailers, Security Officers, and Employees of the Texas Department of Criminal Justice or a Prosecutor's Office

Current and former employees of the Attorney General whose division duties involve law enforcement are now excepted. “Emergency contact information” is also listed as an exception to disclosure.

Tex. Gov't Code Ann. § 552.118 - Exception: Confidentiality of Official Prescription Program Information

The title was changed from “Exception: Official Prescription.” The exception was broadened to include information on or derived from... “*or electronic prescription record...*”

Tex. Gov't Code Ann. § 552.123 - Exception: Confidentiality of Name of Applicant for Chief Executive Officer of Institution of Higher Education

In addition to the name of an applicant for the position of chief executive officer of an institution of higher education, “*other information that would tend to identify the applicant*” is excepted from disclosure except that the governing body of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or vote is to be taken on the employment of the person.

Tex. Gov't Code Ann. § 552.130 - Exception: Confidentiality of Certain Motor Vehicle Records

Driver's licenses or permits, motor vehicle titles or registrations, and personal identification document issued by or from other states or countries are now excepted from disclosure.

Subject to Chapter 730, Transportation Code, a governmental body may redact a motor vehicle operator's or driver's license or permit issued by Texas, another state or another country and a personal identification document issued by a Texas agency or another state or country or a local agency authorized to issue an identification document without the necessity of requesting an Attorney General opinion. However, a requestor is entitled to seek a decision from the Attorney General about the matter. The Attorney General is to establish procedures and deadlines related to this process. The requestor or the governmental body may appeal the Attorney General's decision to a Travis County court. If the governmental body redacts or withholds the information allowed, it shall provide the requestor the following information on a form prescribed by the Attorney General: (1) a detailed description of the redacted or withheld information; (2) a citation to this section; and (3) instructions regarding how the requestor may seek a decision from the Attorney General regarding whether the redacted or withheld information is excepted from required disclosure.

Tex. Gov't Code Ann. § 552.133 - Exception: Confidentiality of Public Power Utility Competitive Matters

This section excepts from disclosure a public power utility's information related to a competitive matter. The existing definition of "public power utility governing body" was deleted. Section (a-1) was created from existing text and redefines "competitive matter" to mean a utility-related matter that falls within 6 categories of information:

- (1) generation unit specific and portfolio fixed and variable costs, including forecasts of these costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;
- (2) bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;
- (3) effective fuel and purchased power agreements and fuel transportation arrangements and contracts;
- (4) risk management information, contracts, and strategies, including fuel hedging and storage;
- (5) plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and

(6) customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies.

“Competitive matter” may not be deemed to include certain categories of information including any substantive rule or tariff of general applicability regarding rates, service offerings, service regulation, customer protections, or customer service adopted by the public power utility as authorized by law; salaries and total compensation of all employees of a public power utility; or information publicly released by the Electric Reliability Council of Texas in accordance with a rule or protocol generally applicable to similarly situated market participants.

Records are excepted from disclosure if the information or records are reasonably related to a competitive matter regardless of whether, under the Utilities Code, the municipality owned utility has adopted customer choice or serves in a multiple certificated service area. This section does not limit the right of a public power utility governing body to withhold from disclosure information deemed to be within the scope of any other exception provided under Chapter 552.

Existing text providing that excepted information or records include the text of any resolution of the public power utility governing body determining which issues, activities, or matters constitute competitive matters was deleted. Subsection (c) was deleted which dealt with Attorney General requirements in its findings. Subsection (d) was changed to subsection (c).

Tex. Gov’t Code Ann. § 552.136 - Confidentiality of Credit Card, Debit Card, Charge Card, and Access Device Numbers

Subsections (c), (d), and (e) were added. Government Code, credit card, debit card, charge card, or access device numbers are confidential. The rules for redaction without an Attorney General process follow those of Section 552.130 which requires notification to requestor on form prescribed by the Attorney General.

Tex. Gov’t Code Ann. § 552.142 – Confidentiality of Records of Certain Deferred Adjudications

Subsection (a) was amended to remove the reference to Texas Government Code Section 411.018(f 1).

Tex. Gov’t Code Ann. § 552.1425 – Civil Penalty: Dissemination of Certain Criminal History Information

Subsection (a)(2) was modified to remove the reference to Texas Government Code Section 411.018(f 1).

Tex. Gov’t Code Ann. § 552.143 - Confidentiality of Certain Investment Information

Subsection (e) was repealed. It provided that “This section shall not be construed as affecting the authority of the comptroller under Section 403.030.”

Tex. Gov't Code Ann. § 552.149 - Exception: Confidentiality of Records of Comptroller or Appraisal District Received From Private Entity

Non-substantive changes were made to subsection (d) which applies to school districts. Subsection (e) was amended to limit appraisal district records exemption to a county with a population of more than 50,000. Previously, the population had to exceed 20,000.

Tex. Gov't Code Ann. § 552.150 - Exception: Confidentiality of Information That Could Compromise Safety of Officer or Employee of Hospital District

Subsection (c) which provided that Section 552.150 expires September 1, 2013, was repealed.

Tex. Gov't Code Ann. § 552.263 - Bond for Payment of Costs or Cash Prepayment for Preparation of Copy of Public Information

The legislature added subsection (e-1) to state: "If a requestor modifies the request in response to the requirement of a deposit or bond authorized by this section, the modified request is considered a separate request for the purposes of this chapter and is considered received on the date the governmental body receives the written modified request."

Tex. Gov't Code Ann. § 552.274 - Reports by Attorney General and State Agencies on Cost of Copies

Subsection (b) was eliminated. It had previously provided that the Attorney General shall design and phase in reporting requirements in certain ways.

Tex. Gov't Code Ann. § 552.301 – Request for Attorney General Decision

Under the 2011 amendments, if a governmental body receives a written request by United States mail and cannot adequately establish the actual date on which the governmental body received the request, the written request is considered to have been received by the governmental body on the third business day after the date of the postmark on a properly-addressed request.

STATUS OF PERSONAL E-MAILS – PENDING LITIGATION

This matter is currently pending in the 200th Judicial District Court of Travis County Texas, in Cause No. D-1-GN-10-002120, styled *Tommy Adkisson, Individually and Officially on Behalf of Bexar County, Texas, As County Commissioner PCT. 4 v. Greg Abbott, Attorney General of Texas*.

FORMS PRESCRIBED BY THE ATTORNEY GENERAL

The following forms were taken from the Attorney General's website at <https://www.oag.state.tx.us/open/ordforms.shtml>.

Remember that you must use these forms and their attachment when redacting the following information without an Attorney General opinion:

- Employee personal information and peace officer information (Sections 552.024, 552.1175); and
- Driver's license information (Section 552.130);
- Access code, charge card, debit card information (Section 552.136);
- Family violence shelter center and sexual assault program information (Section 552.135).

Date

Requestor name

Requestor address 1

Requestor address 2

Requestor city, state zip

Dear M:

We have received your public information request for [], dated [].

The information you requested contains the home address, home telephone number, emergency contact information, social security number, and/or family member information of a public employee or official. As allowed by section 552.024 of the Texas Government Code, this public employee or official has chosen to make this personal information confidential. Our office is prohibited by law from releasing this personal information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.024 allows us to withhold this specific information without requesting a ruling from the Attorney General.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.024. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

Sincerely,

GB name

GB address 1

GB address 2

GB city, state zip

GB phone/fax/email

How to appeal the withholding of information under Gov't Code section 552.024

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the Attorney General:

- 1) a signed, written statement indicating your wish to appeal the withholding of information;
- 2) the name of the governmental body that withheld information from you;
- 3) the date you made your original request for information; and
- 4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail or fax to the Attorney General at:

Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548
Fax: 512-463-2092

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the Attorney General will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

Date

Requestor name

Requestor address 1

Requestor address 2

Requestor city, state zip

Dear M:

We have received your public information request for [], dated [].

The information you requested contains information that relates to:

- a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country; or
- a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

This information is confidential under section 552.130 of the Texas Government Code. Our office is prohibited by law from releasing this information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.130 allows us to withhold this specific information without requesting a ruling from the Attorney General.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.130. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

Sincerely,

GB name

GB address 1

GB address 2

GB city, state zip

GB phone/fax/email

How to appeal the withholding of information under Gov't Code section 552.130

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the Attorney General:

- 1) a signed, written statement indicating your wish to appeal the withholding of information;
- 2) the name of the governmental body that withheld information from you;
- 3) the date you made your original request for information; and
- 4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail or fax to the Attorney General at:

Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548
Fax: 512-463-2092

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the Attorney General will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

Date

Requestor name

Requestor address 1

Requestor address 2

Requestor city, state zip

Dear M:

We have received your public information request for [], dated [].

The information you requested contains a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body. This information is confidential under section 552.136 of the Texas Government Code. Our office is prohibited by law from releasing this information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.136 allows us to withhold this specific information without requesting a ruling from the Attorney General.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.136. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

Sincerely,

GB name

GB address 1

GB address 2

GB city, state zip

GB phone/fax/email

How to appeal the withholding of information under Gov't Code section 552.136

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the Attorney General:

- 1) a signed, written statement indicating your wish to appeal the withholding of information;
- 2) the name of the governmental body that withheld information from you;
- 3) the date you made your original request for information; and
- 4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail or fax to the Attorney General at:

Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548
Fax: 512-463-2092

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the Attorney General will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

Date

Requestor name

Requestor address 1

Requestor address 2

Requestor city, state zip

Dear M:

We have received your public information request for [], dated [].

The information you requested contains information maintained by a family violence shelter center or sexual assault program that relates to:

- the home address, home telephone number, and/or social security number of an employee or a volunteer worker of the family violence shelter center or sexual assault program; or
- the home address or home telephone number of a member of the board of trustees of the family violence shelter center or sexual assault program.

This personal information is confidential under section 552.138 of the Texas Government Code. Our office is prohibited by law from releasing this personal information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.138 allows us to withhold this specific information without requesting a ruling from the Attorney General.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.138. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

Sincerely,

GB name

GB address 1

GB address 2

GB city, state zip

GB phone/fax/email

How to appeal the withholding of information under Gov't Code section 552.138

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the Attorney General:

- 1) a signed, written statement indicating your wish to appeal the withholding of information;
- 2) the name of the governmental body that withheld information from you;
- 3) the date you made your original request for information; and
- 4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail or fax to the Attorney General at:

Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548
Fax: 512-463-2092

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the Attorney General will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

Date

Requestor name

Requestor address 1

Requestor address 2

Requestor city, state zip

Dear M:

We have received your public information request for [], dated [].

The information you requested contains personal information that relates to:

- a peace officer;
- a county jailer;
- a current or former employee of the Texas Department of Criminal Justice;
- a commissioned security officer;
- an employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
- an officer or employee of a community supervision and corrections department;
- a criminal investigator of the United States;
- a police officer or inspector of the United States Federal Protective Service; or
- a current or former employee of the office of the Attorney General who is or was assigned to a division with law enforcement duties.

The requested information includes this public employee's home address, home telephone number, emergency contact information, social security number, and/or family member information. As allowed by section 552.1175 of the Texas Government Code, this public employee has chosen to make this personal information confidential. Our office is prohibited by law from releasing this personal information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.1175 allows us to withhold this specific information without requesting a ruling from the Attorney General.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.1175. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

Sincerely,

GB name

GB address 1

GB address 2

GB city, state zip

GB phone/fax/email

How to appeal the withholding of information under Gov't Code section 552.1175

If you wish to appeal the withholding of information discussed on the previous pages, you must send the following to the Attorney General:

- 1) a signed, written statement indicating your wish to appeal the withholding of information;
- 2) the name of the governmental body that withheld information from you;
- 3) the date you made your original request for information; and
- 4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail or fax to the Attorney General at:

Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548
Fax: 512-463-2092

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the Attorney General will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.