

2/2/24 NOTE: list compiled by Julie Doshier, Wyatt Hamilton Findlay PLLC; revised by Kerrville City Atty's office; any mistakes are the city attys'

LIST OF EXCEPTIONS TO THE PUBLIC RELEASE OF INFORMATION
[NOTE: list is not comprehensive of all possible exceptions to disclosure; review the law!]

Yellow = Withhold with no AG opinion or notice needed.

Green = Withhold with no AG opinion needed, but notice required.

Blue = Notice required to third parties in addition to requesting AG opinion.

[NOTES: 1) **JUDICIARY** excluded from PIA - §552.003(1)(B), §552.0035; specifically provides that access to judicial records is governed by rules adopted by Tx Sup Ct or by other applicable laws and rules; this provision, however, expressly provides that it does not address whether particular records are judicial records; Rule 12 of the Judicial Administration Rules; 2) ref to **552** is Ch. 552, Tx. Gov't Code; 3) ref to **OC** is Tx. Occupation Code; 4) ref to **FC** is Tx. Family Code; 5) ref to **H&S** is Tx. Health & Safety Code; 6) ref to **TC** is Tx. Transportation Code]

1. **Dates of birth** of members of the public (552.101 + common-law right to privacy¹); mandatory
2. **Public Court Record** - 552.022(a)(17) provides for required public disclosure of "information that is also contained in a public court record[.]" unless information is expressly made confidential under the Act or other law
3. **Arrest probable cause affidavits** (552.101 + CCPA 15.26 - applies only to clerks)
4. **Social security numbers** (552.147)
5. **Public Employee/Official Home address, home phone number, emergency contact information, social security number, and/or family member info** (552.024)
6. **Peace Officer's home address, home phone number, emergency contact information, social security number, and/or family member information** (552.117 + 552.1175) (NOTE: text of section 552.117 changes on 1/1/2025)
7. **Juvenile runaway information and criminal suspect information** - entire report will be redacted; *but see* exceptions in FC) (552.101 + FC 58.008)
8. **Juvenile criminal information** under court seal (552.101 + FC 28.207(b))
9. **Personal financial information** (e.g., bank information, retirement information, credit history) (552.101 + common-law right to privacy)
10. **Fingerprints** (552.101 + 560.003)
11. **Personal information in motor vehicle records** (552.101 + TC 730.004)

¹ §552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." 552.101 encompasses the doctrine of common-law privacy, which protection information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person; and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.* 540 // 668, 687 (Tex. 1976). Both prongs must be satisfied.

12. **EMS records** - treatment of a patient (552.101 + H&S Code §773.091)
13. **Drug/Alcohol test results** (552.101 + common law right to privacy)
14. **Attempted suicide** - entire report redacted (552.101 + common law right to privacy; *but* no such right applies to deceased)
15. **Individuals' mental or medical history information** - includes prescriptions, diagnoses, disabilities, operations, mental health conditions (552.101 + common law right to privacy)
16. **Sexual assault victim information** (includes redaction of name, address, phone number of victim of sexual assault, details of the actual assault) (552.101 + common law right to privacy)
17. **Accident reports** (*but see* list of people entitled in TC) (552.101 + TC 550.065)
18. **FBI #s** assigned to Criminal defendants by the FBI (552.101 + 411.083)
19. **Identifying informants of criminal acts** - individuals who report criminal activity to police; includes redaction of names, address, phone) (552.101 + common law informer's privilege)
20. **Compilation of criminal history** - includes redaction of any summaries of criminal history of individuals (552.101 + common law right to privacy)
21. **TCIC/NCIC criminal history reports** (552.101 + Ch. 411, Subchapter F)
22. **Firearm trace information** (552.101 + Pub. L. No. 112-55)
23. **Medical records created by physician** (552.101 + OC 159.002)
24. **Insurance company/carrier information for an individual** (552.101 + common law right to privacy)
25. **Death scene photos** of individuals - privacy right of deceased's family members (552.101 + common law right to privacy)
26. **Competitive bidding information** - bidding still open or to be rebid (552.104)
27. **Commercial trade secrets** - notice required to third party company (552.110); mandatory
28. **Reports dealing with abuse or neglect of a child** - entire report redacted; see exceptions in FC (552.101 + FC 261.201)
29. **Concealed handgun license information** - only release info allowed by law (552.101 + 411.192)
30. **Polygraph test information & results** (552.101+ OC 1703.306)
31. **Litigation Exception** - redact all info relating to any ongoing or threatened civil or criminal litigation in which the City is a party (552.103); permissive (*NOTE: new in 2023, can't use with election related litigation*)
32. **Judicial documents, including Grand Jury** – as expressly excluded from requirements of Act (552.003(1)(B))
33. **Ongoing administrative appeal that could end in litigation** (552.103)
34. **Attorney Client communications** - between City and its attorney(s) (552.107(1))

35. **Ongoing/pending criminal investigations and prosecutions** – release “basic information” in accordance with law unless otherwise confidential (552.108(a)(1)); permissive
36. **Criminal investigations that did not result in convictions or probation** – but discretionary (552.108(a)(2)); permissive (*NOTE: new in 2023, can't use with deceased suspects*)
37. **Firearm serial numbers** (552.108(b)(1)); permissive
38. **Undercover officer identifying information** (552.108(b)(1)); permissive
39. **Police procedures** where release will be detrimental to officer safety (*e.g.*, release of drug or SWAT operation information, Police General or Special Orders relating to safety procedures, etc.) (552.108(b)(1)); permissive
40. **Driver's license, license plate, VIN numbers and title information regarding motor vehicles; Tx or any other state (552.130)**; mandatory
41. **Passport information (552.130)**; mandatory
42. **Account numbers or access device numbers - #s or codes that can be used to access services or money, includes insurance policy #s (552.136)**; mandatory
43. **Military discharge papers (552.140 + AG ORD 684 (2009))**
44. **Dates of birth of city employees (552.102(a))**; mandatory
45. **Email addresses for members of the public (552.137)**
46. **Body cam video but only if requestor didn't provide information req'd in Occ. Code. (552.101 + OC 1701.661 - 1 date & approx. time of recording; 2 specific location where the recording occurred; 3 name of 1 or more persons known to be a subject of recording)**
47. **Personal information in water accounts (552.101, UC 182.052)**
48. **Direct deposit authorization form (552.101 + rt. to privacy; OR20090684)**
49. **Form I-9 and attachments (552.101 + 8 USC 1324a; OR20090684)**
50. **W2 and W4 Forms (552.101 + 26 USC 6103(a); OR20090684)**
51. **Certified agenda and tape of executive session (552.101 + 551.104; OR20090684)**; permissive
52. **Officers' L-2 and L-3 declarations (552.101 + Occ Code 1701.306; OR20090684)**
51. **Form DD-214 or other post 9/1/03 military discharge record (OR20090684)**
52. **Breath test results** of arrestee's blood alcohol content; full information concerning the analysis of the specimen must be made available upon the request of the person who has given the specimen (TC 724.018)
53. **Firefighter time sheet or work schedule (552.159)**
54. **Disaster Recovery Funds** - identifying info of individual or business entity that applies for state or federal disaster recovery funds (552.160)
55. **Homeland Security** - technical details of particular vulnerabilities of critical infrastructures (552.101+ 418.181)
56. **Animal adoption** - name, address, telephone number, email address, driver's

license number, Social Security #, or other personally identifying information of **person who obtains ownership or control of an animal from a municipality or county** (552.1177)

57. **Drafts of policy documents**; deliberative process (552.111); permissive
58. **Sexual harassment investigation information** in employment context - release investigation summary and the statement of the accused under *Ellen*, but redact identities of the victims and witnesses of the alleged sexual harassment and their detailed statements (552.101 + common-law right to privacy; *Morales v. Ellen*, 840 S.W.2d 519)
59. **Business sales tax information** rec'd from Comptroller's Office (552.101 + Tax Code 321.3022(f))
60. **Videos from jail cameras** - safety argument (552.108(b)(1)); permissive
61. **Videos or info that reveals locations of home or business security cameras** - includes City facilities (552.101 + 418.182(a))
62. **Identifying information of pet owner** – regarding dog/cat registry program (552.101 + H&S 826.0311)
63. **Certain proprietary information of vendors, contractors, and bidders** (552.1101)
64. **Military Service Info./US Atty.** - home address, home phone number, emergency contact, Social Security #, and/or family member information of current/former Army, Navy, Air Force, Coast Guard, or Marine, an auxiliary service of one of those branches, or Tx military forces, as defined by 437.001; current or former US attorney and the spouse or child of the attorney; current/former CPS caseworker, adult protective services caseworker, or investigator for the DFPS, regardless of whether the caseworker or investigator complies with Section 552.024 or 552.1175; a state officer elected statewide or a member of the legislature, regardless of whether the officer or member complies with Section 552.024 or 552.1175; firefighter or volunteer firefighter or emergency medical services personnel as defined by H&S 773.003, regardless of whether the firefighter or volunteer firefighter or emergency medical services personnel comply with Section 552.024 or 552.1175, as applicable (552.117)
65. **Shelters** – location/physical layout of a family violence shelter or victims of trafficking shelter center (552.138)
66. **Shelters BODs** - home address or home phone number of a member of the board of directors of family violence shelter center, victims of trafficking shelter center, or sexual assault program, regardless of whether the board member complies with Section 552.024. (552.138)
67. **Video Records of Arrests for Intox. Offenses** - person stopped or arrested on suspicion of an offense under PC 49.04, 49.045, 49.07, or 49.08 entitled to receive from a law enforcement agency employing the peace officer who made the stop or arrest a copy of any video made by or at the direction of the officer that contains footage of: (1) the stop; (2) the arrest; (3) the conduct of the person stopped during any interaction with the officer,

including during the administration of a field sobriety test; or (4) a procedure in which a specimen of the person's breath or blood is taken.

- 68. Government-Operated Utility Customer Information** – Information that (1) is collected as part of an advanced metering system (system that collects data at regular intervals through the use of an automated wireless radio network) including amounts billed or collected for utility usage; or (2) reveals whether an account is delinquent or eligible for disconnection or that services have been discontinued. (552.1331)
- 69. Custodial Death** – a custodial death report is public information under Article 49.18(b) of the Code of Criminal Procedure. When a person dies while in police custody, as a result of a use of force, or while incarcerated, the director of the LE agency of which the officer is a member or of the facility in which the person was incarcerated must investigate the death and file a written report of the cause of death with the attorney general within 30 days of the person's death. Per the Tx. AG, the report and summary of how the death occurred must be released to the public, but any other documents submitted with the report are confidential under Article 49.18(b).
- 70. Photographs of licensed peace officer** – if release would endanger the life of physical safety of the officer, except when: a) officer is under indictment or charged with an offense by information; b) the officer is a party in a civil service hearing or a case in arbitration; or c) the photograph is introduced as evidence in a judicial proceeding (552.119) (*NOTE: effective 1/1/2025, exempt photo can only be released with written consent from peace officer*)
- 71. Public Power utilities** - certain competitive matters (includes some municipal-owned utility information)(552.133)