

Public Information Exemptions

Exclusions from Public Information Requests

The Clay County Sheriff's Office receives hundreds of public information requests. Some of the requested records contain confidential information that the Sheriff's Office may be prohibited by law from releasing. In these situations, the Sheriff's Office must request a ruling from the Texas Attorney General's Office as to the confidential nature of those documents or portions thereof. To expedite your request, you may agree in writing to exclude any confidential information contained in the documents that you are requesting.

Below is a list of information that is confidential by law and that may be contained in the documents you are requesting. Signing our request form means you agree to allow the Sheriff's Office to exclude all of the confidential information included in the list of exemptions below. If you do not agree to allow the Sheriff's Office to exclude the confidential information included in the list of exemptions, please attached a notarized statement indicating which categories you are not willing to exclude.

- Certain employee records
- Criminal History Information
- Motor Vehicle Records
- Medical Information
- Polygraph Examination
- Accident Report
- Personal Financial Information
- Certain Personal Information
- Juvenile Records
- Records related to Child Abuse or Neglect
- Information related to Victims of Sexual Assault Harassment
- Concealed handgun Licensees
- 911 Calls
- Security Codes

You are under no obligation to exclude any confidential information from your request. The Sheriff's Office will request a ruling from the Attorney General for any confidential information that is not excluded. In either event, the Sheriff's Office will release all public information to you on appropriate payment, if required. Excluding confidential information from your request does not waive any right you may have to request confidential information in the future, pertaining to this request or any other.

Employee Records

- The Sheriff's Office may exclude information regarding investigations of job-related misconduct by an employee that did not result in disciplinary action under Chapter 143 of the Texas Local Government Code. This information is confidential pursuant to Section 143.089 (g) of the Texas Local Government Code.
- The Sheriff's Office may exclude the name and badge number of undercover officers when disclosure of the information would subject the officer to a substantial threat of physical harm. This information must be withheld under Section 552.151 of the Texas Government Code.

Criminal History Information

- The Sheriff's Office may exclude results of checks for criminal history records information maintained in state and local criminal history records information systems. This information is confidential pursuant to 28 C.F.R. §20.21 (c)(1).
- The Sheriff's Office may exclude compilations of an individual's criminal history. This information is confidential pursuant to Open Records Decision No 565 (1190) (citing United States Dep't of Justice v. Reporters Comm. For Freedom of the Press, 489 U.S. 749 (1989)).

Motor Vehicle Records

- The Sheriff's Office may exclude the entire expiration date (month, date, year) of an individual's driver's license and/or motor vehicle registration. This information is confidential pursuant to Section 552.130 of the Texas Government Code.

Medical

- The Sheriff's Office may exclude any medical records or information taken from those records. This information is confidential pursuant to Section 159.002 of Texas Occupations Code and cannot be released unless written consent is given that meets the requirements of Section 159.005 of Texas Occupations Code.
- The Sheriff's Office may exclude medical information that is highly intimate or embarrassing and not of legitimate public interest. This information is confidential pursuant to the doctrine of Common Law Privacy.

Polygraph Examination

- The Sheriff's Office may exclude information obtained as a result of Polygraph Examination. This information is confidential pursuant to Section 1703.306 of Texas Occupations Code.

Accident Report

- The Sheriff's Office may exclude Texas Peace Officer's Accident Report forms (ST-3, CRB-3) unless two of the three following pieces of information have been provided by the Requestor: (1) date of accident, (2) location of accident (specific address or highway or street), (3) name of any person involved. This information is confidential pursuant to Section 550.065 of the Texas Transportation Code.

Personal Financial Information

- The Sheriff's Office may exclude any individual's personal financial information such as bank account balance or information pertaining to personal mortgages. This information is confidential pursuant to the doctrine of Common Law Privacy [See ORD 600 (1192); 561 (1990); 523 (1989)]
- Personal financial information does not include salary or government-paid benefits of a public employee. Information about salary and government-paid benefits is not being excluded.
- The Sheriff's Office may exclude information pertaining to personal financial liens (e.g., automotive liens) that are highly intimate or embarrassing and not of legitimate public interest. This information is confidential pursuant to Common Law Privacy [see *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W. 2d 668 (Tex 1976)].
- The Sheriff's Office may exclude personal tax return information, including forms 1040, W-2 and W-4. This information is confidential under the Federal Tax Code. See 26 U.S. C. § 6103 (a)(2), (b) (2)(A), (p)(8); see also Open Records Decision No. 600 (1992); Attorney General Op. MW-372 (1981).

Personal Information of Public Employees

- The Sheriff's Office may exclude the home address, telephone number, family member information and emergency contact information of any peace officer and of any public employee who is not a peace officer who made an election to keep such information confidential. This information must be withheld under Section 552.117 of the Texas Government Code.
- The Sheriff's Office may exclude the date of birth of public employees. This information must be withheld pursuant to *Tex. Comptroller of Pub. Accounts v. Att'y Gen. of Tex.*, 2010 WL 4910163 (Tex. Dec 3, 2010)

Juvenile Records

- The Sheriff's Office may exclude any juvenile law enforcement records. This information must be withheld under Section 58007 of the Texas Family Code and former section 51.14 of the Texas Family Code.

Child Abuse or Neglect

- The Sheriff's Office may exclude any records of abuse or neglect of a child, including sexual assault of a child, indecency with a child, child neglect, child endangerment, and/or injury to a child. This information must be withheld under Section 261.201 of the Texas Family Code.

Victims of Sexual Assault/Harassment

- The Sheriff's Office may exclude any records concerning the identity of victims of sexual assault or sexual harassment and other information which would identify the victim including addresses and names of relatives. This information is confidential pursuant to the doctrine of Common Law Privacy [See Open Records Decision Nos. 440 (1986), 393 (1983), 339 (1982)].

Concealed Handgun Licensees

- The Sheriff's Office may exclude any information about concealed handgun licensees. This information must be withheld under Section 411.192 of the Texas Government Code.

911 Calls

- The Sheriff's Office may exclude E-911 automated identification information (originating telephone number and address). This information is confidential pursuant to Section 772.218 of the Texas Health and Safety Code.

Security Codes

- The Sheriff's Office may exclude security door/gate codes. This information is confidential pursuant to Section 418.182 of the Texas Government Code.