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MAY 14 2014

**OPINION COMMITTEE**

**DISTRICT ATTORNEY**

**47<sup>th</sup> Judicial District of Texas**  
Proudly Serving POTTER and ARMSTRONG COUNTIES  
POTTER COUNTY COURTS BUILDING  
501 S. FILLMORE, SUITE 5A  
AMARILLO, TEXAS 79101-2449

FILE # ML-47570-14  
I.D. # 47570

**RANDALL C. SIMS**  
DISTRICT ATTORNEY

May 13, 2014



AREA CODE 806  
379-2325

FAX  
379-2823

**RQ-1199-GA**

The Honorable  
Greg Abbott  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear General Abbott:

This is to request an opinion pursuant to Section 402.02, Government Code, regarding whether an entity covered by Section 552.1175, Government Code, may require a person described in subsection (a) to submit a copy of their photo identification card and keep a copy of that photo identification card in their files whether paper or electronic.

**FACTS**

The Potter/Randall Appraisal District has in the past required police officers to submit their police identification card so that it can be photocopied and placed in the Appraisal District's files when officers request their home address, home telephone number, emergency contact information, date of birth and social security numbers, or information that reveals whether the individual has family members (hereinafter referred to as "covered information") be kept confidential pursuant to Section 552.1175, Government Code. The Randall County Elections Administrator also requires a photocopy of a police officer's credentials for this same purpose. Both of these entities currently have photocopies of the credentials of police officers who have requested that the covered information be kept confidential. These credentials include the officers' photos. Allowing these entities to photocopy and maintain copies of law enforcement credentials that contain officer's photos is an unsafe practice that has the potential to compromise the safety and security of officers and their families.

**LEGAL AUTHORITY**

The relevant section of the statute reads as follows:

Information that relates to the home address, home telephone number, emergency contact information, date of birth, 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.

TEX. GOV'T CODE § 552.1175(b)

The statute states that "evidence of the individual's status" must accompany the required form. It does not state that a photocopy must be provided or made. The statute does not authorize the entity covered by Section 552.1175, Government Code, to maintain a copy of the credentials of a person covered by the statute.

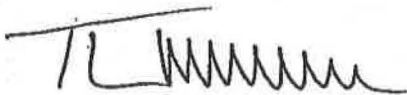
#### QUESTION

Please provide an opinion regarding the following questions:

1. Is a person covered by covered by Section 552.1175, Government Code required to provide a photocopy of their credentials or present their credentials for photocopying to an entity covered by covered by Section 552.1175, Government Code when requesting that the covered information be kept confidential?
2. Is an entity covered by covered by Section 552.1175, Government Code allowed to maintain a copy of a person's credentials, whether paper or electronic, of a person who has requested that the covered information be kept confidential?

I look forward to receiving a response to your request. Please contact me if I can provide additional information.

Sincerely,



Thomas McMillian  
Assistant District Attorney