



NO CHARGES IN DA INVESTIGATION INTO COUNTY TREASURER'S OFFICE

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On March 8th, 2018, the Montgomery County Treasurer's Department released protected and confidential information of current and former county employees in the course of disclosing other information and documents related to an official Open Records request. On March 12, 2018, the Montgomery County District Attorney's Office – Public Integrity Division received an official written complaint by one of those employees whose information was disclosed. An official investigation was launched into the disclosure and since that date, relevant witnesses have been interviewed and documents collected by District Attorney Investigators.

Pursuant to Texas Government Code Section 552.352, a person commits an offense if the person (recklessly) distributes information considered confidential. In Texas, a person acts recklessly, or is reckless, with respect to circumstances surrounding his/her conduct of the result of his/her conduct when he/she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint. The offense for recklessly distributing confidential information is a misdemeanor offense, punishable by a fine of not more than \$1,000 and/or confinement in the county jail for not more than six months.

Based on the facts gathered in this investigation and the applicable law, no criminal charges resulted for any Treasurer Department employees involved in the disclosure of the confidential information. The investigation uncovered that the confidential information disclosed was done so negligently and counter to the standards expected in a professional environment. Had the Treasurer Department availed themselves of the assistance of more experienced personnel or the County Attorney's office, it is unlikely the disclosure would have occurred. Nevertheless, the information disclosed was in a format which, under initial review, made it difficult to decipher as employee dates of birth. Therefore, this investigation found that the disclosure was inadvertent and accidental and in the course of a necessary Open Records request response. Once the disclosure was brought to the attention of the Treasure Department, steps were taken to immediately remove the content from the public realm and mitigate the possibility of misuse of the information. This investigation is concluded."