

No charges to be filed in Montgomery County Treasurer's Office data release

By Catherine Dominguez, cdominguez@hcnonline.com Updated 11:17 am, Friday, May 11, 2018



Pictured is Montgomery County Treasurer Stephanie Davenport

Following a two-month investigation, the Montgomery County District Attorney's Office found the county treasurer's office release of personal information of more than 70 current and former employees inadvertent and accidental and will not file any charges in the incident. Pictured is Montgomery County Treasurer Stephanie Davenport

Following a two-month investigation, the Montgomery County District Attorney's Office found the county treasurer's office release of personal information of more than 70 current and former employees "inadvertent and accidental" and will not file any charges in the incident.

The DA's office received an official written complaint by one of those employees whose information was disclosed. While DA officials called the release of the data negligent, they said in a press release the information disclosed was in a format which, under initial review made it difficult to decipher as employee dates of birth.

According to Special Crimes Bureau Chief Tyler Dunman, 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.

The issue centers around Stephanie Davenport's release of her department's procedure manual following an open records request from challenger Melanie Bush in the March 6 Republican primary election. After delaying the release almost three months, Davenport finally released the documents March 8 at the direction of the state Attorney General's Office, but she did not redact some personal information of those 79 current and former county employees.

Of the dozens of names, some of the documents show the entire Social Security number, date of birth and names of 16 people. The remaining names have the Social Security number partially redacted. In the release of the documents, the list of names, Social Security numbers and birth dates appear four separate times in the hundreds of pages released.

That information was posted through links on a couple of individuals' social media pages. And while the information was removed, officials did not know how many others had seen or downloaded the documents from those sites.

After the release, the County Attorney's Office contacted all the employees regarding the situation and the county has agreed to reimburse the cost of identity theft protection for those affected.

Bush beat Davenport in the March primary and will face Democrat Mandy Sunderland in the fall.