

Commissioners take no action on breached employee data after Noack walks out of closed session

By Catherine Dominguez, cdominguez@hcnonline.com Published 5:42 pm, Tuesday, March 20, 2018

Photo: Jason Fochtman, Staff Photographer



Precinct 3 Commissioner James Noack walked out on an executive session Tuesday announcing to a small crowd in the commissioners courtroom he did not want to be a part of a discussion he felt should be done in open session.

Precinct 3 Commissioner James Noack walked out of executive session during Tuesday's Commissioners Court meeting announcing to a small crowd in the courtroom that he did not want to be a part of a discussion he felt should be done in open session. The Commissioners Court members, except for Commissioner Jim Clark who was absent from the meeting, convened into the closed session to discuss the recent release of 79 current and former employees' personal information by County Treasurer Stephanie Davenport's office. Davenport and Deputy Treasurer Judy Tarango were both in the executive session with commissioners.

"I did not want to be a part of any conversation in executive session that I felt would be better held in the open," Noack said after the meeting. "I don't know what Mrs. Davenport said in there and I don't think she needed to participate in attorney-client privileged information between the commissioners court and the county attorney. I felt her presence there was nothing but a distraction and politically motivated." Once Davenport and Tarango left the closed session, Noack rejoined the commissioners for the remaining discussion behind closed doors."

Before the closed session, Noack asked for the court to remove the item from the executive session and discuss it in open session. However, County Attorney J D Lambright told the court due to the way the item was placed on the court agenda, they would need to meeting in closed

session. But Lambright did say the court was free to discuss the issue in public after the executive session.

However, that did not happen. After the lengthy closed session, the court took no action and had no discussion before adjourning the regular meeting, leaving the vulnerability of those 79 current and former employees' private information up in the air.

While commissioners and Lambright are prohibited from discussing executive session items, Lambright told The Courier his office is working with those employees regarding protecting their identities and providing credit monitoring.

The issue centers around 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 appears four separated 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.

Since the release, the County Attorney's Office has been working to contact all the employees involved in release. As of Tuesday, Lambright said there were only a couple left that his office was trying to locate.