



# The Attorney General of Texas

March 6, 1980

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An Equal Opportunity/  
Affirmative Action Employer

**Mr. Ernie W. Tullis**  
Administrator  
Texas Employment Commission  
Austin, Texas 78778

**Open Records Decision No. 235**

**Re: Whether the identity and membership of an employing unit is disclosable under the Texas Open Records Act.**

**Dear Mr. Tullis:**

You have requested our opinion whether information obtained under the authority of the Texas Unemployment Compensation Act, article 522b, V.T.C.S., relating to the identity of a named employing unit and the partners in such employing unit is disclosable by your agency under the Texas Open Records Act, article 6252-17a, V.T.C.S.

**Section 3(a) of article 6252-17a provides that**

**All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body, . . .**

**The Act then sets out 17 specific exceptions to the above stated policy, and further provides in section 3(b) that "[t]his section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. . . ."**

**Unless the information in question is protected from disclosure by one or more of the listed specific exceptions set out in the statute, it is by definition disclosable "public information."**

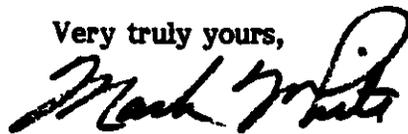
You have suggested that this information might be excepted from required disclosure under section 3(a)(1) of the Open Records Act as information deemed confidential by law by virtue of article 522b-9, V.T.C.S. It provides in part:

(e) Records and Reports: Each employing unit shall keep true and accurate employment records, containing such information as the Commission may prescribe and which is deemed necessary to the proper administration of this Act. Such records shall be open to inspection and subject to being copied by the Commission or its authorized representatives at any reasonable time and as often as may be necessary. The Commission may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the Commission deems necessary for the effective administration of this Act. Information thus obtained or otherwise secured shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) except as the Commission may deem necessary for the proper administration of this Act. . . .

We do not believe that documents reflecting ownership of a business are employment records within the meaning of section 9(e). See Attorney General Opinion H-404 (1974).

We find no exception which specifically protects from disclosure information relating to the identity of a named employing unit and the partners in such employing unit. Thus, information obtained under the authority of the Texas Unemployment Compensation Act, article 5221b, V.T.C.S., relating to the identity of a named employing unit and the partners in such employing unit is required to be disclosed under the Texas Open Records Act, article 6252-17a, V.T.C.S.

Very truly yours,



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