



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 5, 1992

Ms. R. Yvette Clark
General Counsel
Stephen F. Austin State University
P. O. Box 13065, SFA Station
Nacogdoches, Texas 75962-3065

OR92-641

Dear Ms. Clark:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17482.

You have received a request for "a list of all those students currently enrolled at Stephen F. Austin State University, who have deposited funds with the University's JackExpress program." You claim that the requested information is excepted from required public disclosure by sections 3(a)(1) and 3(a)(14) of the Open Records Act.

Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." The doctrine of common-law privacy protects information containing highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, provided the information is not of legitimate public concern. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Disclosure of personal financial information about an individual may be intimate or embarrassing and ordinarily is of no legitimate concern to the public. Open Records Decision No. 373 (1983). Whether "special circumstances" exist which overcome the individual's privacy interests must be determined on a case-by-case basis. *Id.* Financial information about the receipt of governmental funds or debts owed to governmental entities has generally been open to the public. Open Records Decision No. 545 (1990). Information regarding personal investment decisions is excepted as financial information protected by common law privacy, even if the investment is made by a public employee through a payroll deduction program. *Id.*

You advise us that the JackExpress program is a voluntary debit card system whereby students or their parents may deposit funds with the university to be spent on campus. Clearly, where a student chooses to deposit his money reflects a personal investment decision. Thus release of the names and addresses of the students participating in this program would necessarily reveal the students' personal investment decisions. There are no "special circumstances" which cause us to conclude that the public has a legitimate public interest in the requested information: the program is voluntary and does not involve the expenditure of public funds. *See* Open Records Decision No. 396 (1983) (legitimate public concern with information about sums deposited to jail inmates' trust accounts not sufficient to overcome right of privacy). Accordingly, we conclude that the requested information must be withheld from required public disclosure under section 3(a)(1) of the Open Records Act. As we resolve this matter under section 3(a)(1), we need not address section 3(a)(14) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-641.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/GCK/lmm

Ref.: ID# 17482
ID# 17631

Enclosures: Open Records Decision Nos. 545, 396

cc: Mr. James E. Raney
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