



Office of the Attorney General
State of Texas

June 30, 1993

DAN MORALES
ATTORNEY GENERAL

Mr. Ciro Ochoa, Jr.
Attorney for the Mission Housing Authority
Brown and Ochoa
1207 Conway
Mission, Texas 78572

OR93-394

Dear Mr. Ochoa:

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# 19990.

The City of Mission Housing Authority (the authority) received an open records request for, *inter alia*, a "[l]ist of names and address [sic] on all recipients under Section 8, including amount of money." You contend this information comes under the protection of sections 3(a)(1) and 3(a)(2) of the Open Records Act.

Section 3(a)(2) protects

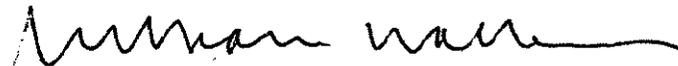
information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in the personnel files of professional public school employees; provided, however, that nothing in this section shall be construed to exempt from disclosure the degree obtained and the curriculum on such transcripts of professional public school employees, and further provided that all information in personnel files of an individual employee within a governmental body is to be made available to that individual employee or his designated representative as is public information under this Act.

You have not demonstrated, nor is it apparent to this office, how section 3(a)(2) applies to the requested information.

Section 3(a)(1) of the act protects "information deemed confidential by law, either Constitutional, statutory¹, or by judicial decision," including the common-law right of privacy. *See Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Previous determinations of this office, Open Records Decision Nos. 318 (1982) and 268 (1981), govern your request. The names and addresses of individuals who occupy public housing, amounts that the authority collects from rentals, and the amounts paid to the authority on behalf of its tenants are not protected by common-law privacy.² You have raised none of the act's other exceptions with regard to this information. Consequently, you must release the requested lists in their entirety.

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 contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/RWP/jmn

Ref.: ID# 19990
ID# 20010

Enclosures: Submitted documents

cc: Ms. Julia Gonzalez
P. O. Box 433
McAllen, Texas 78505-0433
(w/o enclosures)

¹You assert that the release of the requested information would constitute a violation of the federal Privacy Act, 5 U.S.C., § 552a. However, you have not explained how the Privacy Act governs records held by the authority. *See* 5 U.S.C. §§ 552a(a)(1), 552(f). Absent such a demonstration, we cannot consider your claims.

²We note that information is not protected from disclosure simply because it might *indirectly* lead to disclosure of confidential information. *See, e.g.*, Open Records Decision No. 408 (1984).