



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1995

Ms. Mercedes Leal
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR95-867

Dear Ms. Leal:

Your office asks whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33899.

The Harris County Attorney's Office (the "county") received two open records requests from a former legal intern for various items of information, including the names and certain employment information about other persons who were employed in that office in various capacities from January 1, 1990 to the date of the request. The county withheld this information and submitted the matter to this office, contending that the requested information was excepted from required public disclosure by section 552.103 of the Government Code, the litigation section of the Open Records Act. Texas Employment Commission (TEC) granted unemployment benefits to the former intern and this matter was on appeal to the commission.

You have informed us by telephone that the former intern has missed two hearings, and that the deadline for pursuing this matter with TEC has passed. It is the county's responsibility to show that litigation is pending or reasonably anticipated, and there appears to be no pending litigation, nor is there any showing that any other related litigation is anticipated. Since the county has not shown that section 552.103(a) is applicable, most of the requested information must be made available to the requestor. See Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

The county must withhold home addresses and telephone numbers of current or former employees who have chosen pursuant to section 552.024 of the Government Code not to allow public access to this information. *See Gov't Code § 552.117(1)(A). See also Open Records Decision No. 622 (1994) (a social security number is confidential under federal law if it was obtained or is maintained by a governmental body pursuant to a provision of law enacted on or after October 1, 1990).*

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Susan L. Garrison
Assistant Attorney General
Open Government Section

SLG/RHS/rho

Ref.: ID# 33899

Enclosures: Submitted documents

cc: Mr. Hoang N. Tran
4333 Coyle
Houston, Texas 77023
(w/o enclosures)