



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 18, 1997

Ms. Ann Diamond  
Assistant District Attorney  
Tarrant County Justice Center  
401 W. Belknap Street  
Fort Worth, Texas 76196-0201

OR97-0369

Dear Ms. Diamond:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103768.

Tarrant County (the "county") received a request for various categories of information. It is our understanding from your letter that the only items at issue in your request are credit card numbers of county employees on bills that were reimbursed by the county and telephone bills showing numbers of certain law enforcement officials and the numbers called. You assert that this information is excepted from disclosure pursuant to sections 552.101 and 552.108 of the Government Code.<sup>1</sup>

Section 552.101 protects from disclosure information that is confidential under common-law privacy. *Industrial Foundation of the South v. Texas Industrial Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In the *Industrial Foundation of the South* decision, the Texas Supreme Court recognized a common-law right-of-privacy in information which is highly intimate or embarrassing to a reasonable person and of no legitimate concern to the public. In Open Records Decision No. 373 (1983) at 3, we stated:

In our opinion, all financial information relating to an individual -- including sources of income, salary, mortgage payments, assets, medical and utility bills, social security and veterans benefits, retirement and state assistance benefits, and credit history -- ordinarily satisfies the first requirement of common-law privacy, in

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<sup>1</sup>We note that questions concerning the cost of copies of public information may be referred to the General Services Commission. Gov't Code § 552.2611.

that it constitutes highly intimate or embarrassing facts about the individual, such that its public disclosure would be highly objectionable to a person of ordinary sensibilities.

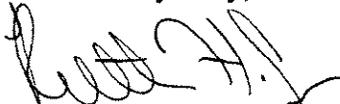
We agree that the credit card numbers at issue are excepted from disclosure under common-law privacy as protected by section 552.101.

Section 552.108 excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime.” and “[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.” Gov’t Code § 552.108; see *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). In Open Records Decision No. 636 (1995), this office determined that telephone numbers called by law enforcement officials could be withheld from public disclosure when release of specific numbers called would unduly interfere with law enforcement interests and crime prevention. For example, the telephone numbers of potential witnesses and confidential informants may be withheld from disclosure under section 552.108. Open Records Decision No. 636 (1995) at 3. Thus, you may withhold from disclosure specific telephone numbers called when disclosing this information would unduly interfere with law enforcement and crime prevention, as outlined in Open Records Decision No. 636 (1995).

Also, if any of the telephone numbers called are the home telephone numbers of peace officers or of public employees who have opted, pursuant to section 552.024, to keep this information private, those telephone numbers are confidential and must be withheld from disclosure. Gov’t Code § 552.117. The other information at issue, including telephone numbers not protected from disclosure under sections 552.108 or 552.117, and the billing amounts, minutes spent on the calls, and the times and dates calls were placed, must be disclosed.

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 should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 103768

Enclosures: Submitted documents

cc: Jennifer Autrey  
1111 W. Abram Street  
Arlington, Texas 76013  
(w/o enclosures)