



Office of the Attorney General
State of Texas

September 24, 1998

DAN MORALES
ATTORNEY GENERAL

Ms. Belinda R. Perkins
Teacher Retirement System of Texas
1000 Red River Street
Austin, Texas 78701-2698

OR98-2297

Dear Ms. Perkins:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118673.

The Teacher Retirement System ("TRS") received a request for information about "individuals who have been identified as 'in violation' of the Teacher Retirement Exception Program since January 1, 1996" and "individuals who have been required to repay annuities awarded after entry into the Teacher Retirement Exception Program, from January 1, 1996 to the present, including individuals who made such compensation subject to the terms of an agreed settlement with [TRS]." You seek to withhold the requested information under Government Code sections 552.101 and 552.103.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You reference, in conjunction with section 552.101, the confidentiality provisions in Government Code section 852.507(a), which provide:

Information contained in the custody of the retirement system concerning an individual member, retiree, annuitant, beneficiary, or alternate payee is confidential under section 552.101, and may not be disclosed in a form identifiable with a specific individual unless:

- (1) the information is disclosed to:
 - (A) the individual or the individual's attorney, guardian, executor, administrator, conservator or other person who the executive director determines is acting in the interest of the individual or the individual's estate;
 - (B) a spouse or former spouse of the individual if the executive director determines that the information is relevant to the spouse's or former spouse's interest in member

accounts, benefits, or other amounts payable by the retirement system;

(C) a governmental official or employee if the executive director determines that disclosure of the information requested is reasonably necessary to the performance of the duties of the official or employee; or

(D) a person authorized by the individual in writing to receive the information; or

(2) the information is disclosed pursuant to a subpoena and the executor director determines that the individual will have a reasonable opportunity to contest the subpoena.

The request asks for and you submitted as responsive thereto information¹ on identifiable individuals which is subject to section 852.507(a). None of the exceptions to disclosure under section 825.507(a) appear to apply here. Therefore, you may withhold the information in question under section 825.507(a) in conjunction with section 552.101. Since we have resolved this request under the section 825.507(a) confidentiality provisions, we need not address the other exceptions to disclosure you claimed.

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

¹We note that you submitted only representative samples of some of the requested information. In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative. See Open Records Decision No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Ref: ID# 118673

Enclosures: Submitted documents

cc: Ms. Katherine L. Duff
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(w/o enclosures)