



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 22, 1998

Ms. Sally Hutchings
General Counsel
Office of Consumer Credit Commissioner
2601 N. Lamar Boulevard
Austin, Texas 78705

OR98-3238

Dear Ms. Hutchings:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120664.

The Office of Consumer Credit Commissioner (the "OCCC") received a request for a copy of an application for a pawn shop license. You indicate that most of the responsive information has been released. However, you have not released the numbers of an investment account and stock investment account, which were provided by the applicant, as you contend these numbers are protected under the common-law privacy aspect of section 552.101 of the Government Code.

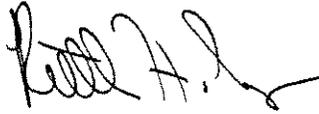
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by common-law privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information must be withheld from public disclosure under a common-law right of privacy when the information is (1) highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 at 1 (1992).

Financial information relating to an individual, including sources of income, salary, and debts, generally satisfies the first prong of the test for common-law privacy. Open Records Decision No. 373 at 3 (1983). Details of transactions funded in whole or in part by the state are generally of legitimate public interest, because these are financial transactions that involve public funds. *See* Open Records Decision No. 545 (1990). However, there is

no legitimate public interest in private financial decisions. Open Records Decision No. 600 (1992). The information at issue concerns the private investments of two individuals. We thus conclude that the asset account number and stock investment account number are private and may not be disclosed.¹

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# 120664

Enclosures: Submitted documents

cc: Mr. Hal Morrison
Cherokee Pawn & Exchange
2726 Gilmer Road
Longview, Texas 76504
(w/o enclosures)

¹This letter addresses only the account numbers, which you specifically asked about. We note, however, that financial statements of individuals (although not of corporations) are generally protected in their entirety by common-law privacy.