



June 22, 1999

Mr. Stephen R. Alcorn
Assistant City Attorney
City of Grand Prairie
P.O. Box 534045
Grand Prairie, Texas 75053-4045

OR99-1717

Dear Mr. Alcorn:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125041.

The City of Grand Prairie (the "city") received a request for information about "unredeemed, unpaid, or uncashed city checks classified by your system as 'Outstanding', 'Stale-dated,' 'Canceled,' 'Escheated', 'Converted' " with issuance dates prior to November 12, 1998. The city also received a separate request from a different requestor for a listing of new water customers. You seek to withhold the check information on the basis of privacy as protected by section 552.101 of the Government Code. You also seek to withhold information about new water customers.

The Uncashed Checks

Section 552.101 of the Government Code protects from disclosure information made confidential by law and encompasses information made confidential on the basis of common-law privacy. In *Industrial Foundation of the South v. Texas Industrial Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977), 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. Financial information about an individual is generally considered to be the type of information that is intimate or embarrassing to a reasonable person. Open Records Decision No. 373 at 3 (1983). However, the financial 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). The information at issue concerns public funds and is of legitimate interest to the public. It may not be withheld from disclosure on the basis of common-law privacy.¹

¹You indicate that the city will have to do some computer programming in order to obtain the requested information. We note that section 552.231 provides a procedure for requests that will require computer programming.

The Water Customers

Article 1446h of Vernon's Texas Civil Statutes prohibits a government operated utility from disclosing a customer's address, telephone number, or social security number to the public if the customer requests that this information be kept confidential. Attorney General Opinion DM-307 (1994), Open Records Decision No. 625 (1994). This confidentiality provision applies to individuals who are customers rather than businesses. Open Records Decision No. 625 (1994). You therefore must withhold from disclosure to this requestor the addresses, telephone numbers, and social security number of any of the non-business customers who have requested confidentiality at the time of the request for records. The other information 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.

Sincerely,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 125041

Encl. Submitted documents

cc: Mr. Michael Butler
CityVest Financial Corporation
Nine East Fourth Street
306 Reunion Center
Tulsa, Oklahoma 74103
(w/o enclosures)