



July 26, 1999

Mr. Timothy Austin  
Vinson & Elkins  
2300 First City Tower  
100 Fannin Street  
Houston, Texas 77002-6760

OR99-2096

Dear Mr. Austin:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127324.

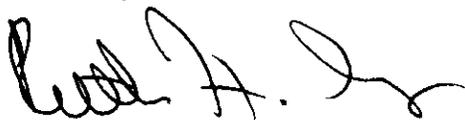
The Fort Bend County Municipal Utility District No. 2 (the "district"), which you represent, received a request for information about expense reimbursements made to certain named individuals. You indicate that you will or have released the responsive information, except for the personal credit card number of one of the named individuals. You contend that this employee's personal credit card number is protected from disclosure under sections 552.01 and 552.102 of the Government Code.

The test to determine whether information is private and excepted from disclosure under common-law privacy provisions, which are encompassed in section 552.101 and section 552.102 of the Government Code, is whether the information is (1) highly intimate or embarrassing to a reasonable person and (2) of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977); *Hubert v. Harte-Hanks Texas Newspapers Inc.*, 652 S.W.2d 546 (Tex. App.-Austin 1983, writ ref'd n.r.e.). Certain financial information relating to individual employees is protected by common-law privacy. Open Records Decision No. 373 (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. Open Records Decision No. 545 (1990). However, there is no legitimate public interest in private financial decisions. Open Records Decision No. 600 (1992).

We think that release of the financial information at issue other than the employee's own personal credit card number is sufficient to satisfy the public interest in this situation. The credit card number itself is confidential and must be withheld from disclosure under sections 552.101 and 552.102 of the Government Code.

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with a large initial "R" and "S".

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: 127324

Encl. Submitted documents

cc: Mr. Joe Silhavy  
13823 Southline Road  
Sugarland, Texas 77478  
(w/o enclosures)