



August 30, 1999

Ms. Lisa Aguilar
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR99-2442

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127527.

The City of Corpus Christi (the "city") received a request for a complete copy of the Latchkey Summer Camp registration file for the requestor's two children. Pursuant to section 552.305 of the Government Code, you ask on behalf of the children's mother, Ms. Mary Pat Dunegan, whether the registration files are excepted from disclosure under the Public Information Act. Ms. Dunegan submitted arguments as to why the registration files should not be disclosed.

We have considered the arguments and court orders submitted by Ms. Dunegan. Nothing in the court orders prevents the requestor, Mr. Galindo, or any citizen from obtaining the public portions of the children's registration files under the Public Information Act. Please note that the Public Information Act generally prohibits a governmental body from inquiring into a requestor's motives for obtaining information. Gov't Code § 552.222; Open Records Decision Nos. 542 (1990), 508 (1988). Thus, in determining whether information must be disclosed under the Public Information Act, we do not consider the requestor's motives.

We conclude, however, that two of the documents at issue are excepted from disclosure under section 552.101 of the Government Code which protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section

552.101 encompasses the common-law right to privacy. The common-law right to privacy protects information if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). We have consistently held that personal financial information not related to a financial transaction between an individual and a governmental body is protected by the common-law right to privacy. See Open Records Decision Nos. 600 (1992), 545 (1990). We have marked two documents that contain Ms. Dunegan's personal financial information. These two documents are excepted from public disclosure under section 552.101 in conjunction with the common-law right to privacy. The remaining documents are not excepted from disclosure and must be released to the requestor.

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 127527

Encl. Marked documents

cc: Mr. Cezar Galindo
3141 Gollihar
Corpus Christi, Texas 78415
(w/o enclosures)

Ms. Mary Pat Dunegan
6947 Everhart #3401
Corpus Christi, Texas 78413
(w/o enclosures)