



December 2, 1999

Ms. Paula A. Jones  
General Counsel  
Employees Retirement System of Texas  
P.O. Box 13207  
Austin, Texas 78711-3207

OR99-3464

Dear Ms. Jones:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 131109.

The Employees Retirement System (the "system") received a request for information relating to George W. Bush, Governor, and other individuals. You submit information responsive to the request but contend that it is made confidential by section 815.503 of the Government Code and article 3.50, section 10, of the Insurance Code and must consequently be withheld under section 552.101 of the Government Code.

Section 552.101 of the Government Code requires withholding, *inter alia*, information made confidential by statute. Section 815.503(a) of the Government Code provides:

Records of members and annuitants under retirement plans administered by the retirement system that are in the custody of the system or of an administrator, carrier, or other governmental agency acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure and are exempt from the public access provisions of Chapter 552, except as otherwise provided by this section.

*See also, id.* §811.001(15) (defining "retirement system" as the ERS). The exceptions to confidentiality set out in section 815.503 appear to be inapplicable here.<sup>1</sup> Based on your

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<sup>1</sup>Subsection (c) recognizes that ERS records may become public if they become records of an administrative or judicial proceeding under Subtitle D or E of Title 8, Government Code. You have not informed us that the submitted records have been so made made public.

arguments and the submitted information, we conclude that the submitted records are confidential in their entirety under section 815.503 in conjunction with section 552.101 of the Government Code, and consequently must be withheld. Thus, we need not address your contentions with regard to article 3.50, section 10, of the Insurance 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,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ljp

Ref: ID# 131109

Encl. Submitted documents

cc: Mr. Mike Lavigne  
PMB 353  
8127 Mesa Drive, B-206  
Austin, Texas 78759-8632  
(w/o enclosures)