



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 28, 2006

Ms. Ruth H. Soucy
Manager and Legal Counsel
Comptroller of Public Accounts
111 East 17th Street
Austin, Texas 78701

OR2006-01938

Dear Ms. Soucy:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 242269.

The Comptroller of Public Accounts (the "Comptroller") received two separate requests for an electronic copy of the state payroll database for approximately 144,000 state employees. You state that the Comptroller released to one requestor the following portions of the requested employee information: name,¹ job title/description, agency/department, and gross salary. You inform us that one of the requestors prefers to wait until the issuance of our ruling on this matter to receive the following public portions of the employee information she requested: name, job title/description, agency/department, gross salary, race, sex, work address, date of employment, pay rate and information regarding work hours. You claim that other portions of the requested information are excepted from disclosure under sections 552.101, 552.108, and 552.117 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of the requested information.² We have also considered the comments submitted on behalf of one of the

¹You inform us that employee name includes the employee's first, last, and middle name, which may be a maiden name.

²We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this

requestors, the Teacher Retirement System of Texas ("TRS"), the Employees Retirement System of Texas ("ERS"), the Office of the Attorney General ("OAG"), and the Texas Guaranteed Student Loan Corporation ("TGSLC"). See Gov't Code § 552.304 (concerning submission of public comments in ruling process).

We begin with your claims that sections 552.101 and 552.108 of the Public Information Act (the "Act") protect state employees' dates of birth. Section 552.101 of the Government Code incorporates both common law and constitutional rights to privacy. See Gov't Code § 552.101; *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Section 552.108 generally applies to information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime. See Gov't Code § 552.108(a). You bring these claims because you "are concerned that the wholesale public release of state employees' identifying information in conjunction with their specific dates of birth could lead to identity theft, and that this situation may constitute a special circumstance" under which dates of birth should be withheld from required public disclosure.

In addition to the two exceptions to required disclosure that you raise, the Act also provides specific protection for the privacy rights of government employees. See Gov't Code § 552.102(a). Section 552.102 of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." *Id.* Early open records decisions of this office determined that information may be withheld under the predecessor of section 552.102 of the Government Code if "special circumstances" show that disclosure would be a "clearly unwarranted invasion of personal privacy." See Open Records Decision Nos. 123 (1976), 169 (1977). These early decisions, both of which considered the privacy of public employee home addresses, considered "special circumstances" to refer to a very narrow set of situations in which either the employee has taken affirmative steps to restrict public access to his or her home address, see Open Records Decision No. 123 at 5, or the release of information would likely cause someone to face "an imminent threat of physical danger," see Open Records Decision No. 169 at 6. The limitation of a "clearly unwarranted invasion of personal privacy" requires a balance between the protection of an individual's right of privacy and the preservation of the public's right to government information. See *Hubert v. Harte-Hanks Tex. Newspapers, Inc.*, 652 S.W.2d 546, 551 n.8 (Tex.App.-Austin 1983, writ ref'd n.r.e.) (establishing test for privacy under exception; citing *Dept. of the Air Force v. Rose*, 425 U.S. 352, 378 n. 16). Twenty to thirty years ago, at the time of these early cases and attorney general decisions, protection for government employees from harm of a physical nature was the only concern. Now, as you point out in your arguments to this office, people face the danger of identity theft.

office.

Identity theft, without question, is becoming one of the fastest growing criminal and consumer offenses in the twenty-first century. *See Daly v. Metropolitan Life Ins. Co.*, 782 N.Y.S.2d 530, 535 (N.Y.Sup. 2004) (denying defendant's motion for summary judgment in negligence action against insurer who disclosed consumers' names, social security numbers, and date of birth information). The Federal Trade Commission estimated 27.3 million reported cases of identity theft, causing billions of dollars in damages, in the five years preceding early 2003. *Id.* (citing Thomas Fedorek, *Computers + Connectivity = New Opportunities for Criminals and Dilemmas for Investigators*, 76-Feb. N.Y. St. B.J. 10, 15 (February, 2004)). A date of birth obtained in combination with other data about an individual can be used in at least two harmful ways: to obtain sensitive information about an individual and to commit identity theft. *See Daly v. Metropolitan Life Ins. Co.*, 782 N.Y.S.2d at 535-36; *Scottsdale Unified Sch. Dist. v. KPNX Broad. Co.*, 955 P.2d 534, 539 (Ariz.1998). According to one court, a person can use another individual's name and date of birth to obtain criminal records, arrest records, driving records, states of origin, political party affiliations, current and past addresses, civil litigation records, liens, properties owned, credit histories, financial accounts, and possibly medical and military histories and insurance or investment portfolios. *See id.* Certain public information websites allow individuals to locate this information in any state, including Texas, using only a name and date of birth.

Courts have held that dates of birth are private and their disclosure is a clear invasion of personal privacy. *See Oliva v. United States*, 756 F.Supp. 105, 107 (E.D.N.Y.1991) (applying balancing test under exemption 6 of the federal Freedom of Information Act, 5 U.S.C. § 552); *Scottsdale Unified School Dist. v. KPNX*, 955 P.2d 534 (Ariz.1998) (applying balancing test under state law); *Data Tree, LLC v. Meek*, 109 P.3d 1226 (Kan. 2005) (same); *Zink v. Commonwealth*, 902 S.W.2d 825 (Ky. Ct. App. 1994) (same). In a request similar to this one, the Delaware Attorney General found that the public release of the dates of birth of all state employees would constitute an invasion of personal privacy under that state's personnel file exception. *See Del. Atty. Gen. Op. No. 94-1019* (1994).

In addition to these judicial and attorney general decisions, the trend in many other states is to protect government employee date of birth information. In conducting a survey of other states' laws and practices concerning the required public disclosure of date of birth information, this office has learned that a majority of the fifty states protect date of birth information in government employee personnel files. *See State Practices for Classification of Date of Birth in Public Records* (on file with Open Records Division of the Office of the Attorney General). According to the survey, states with an "unwarranted invasion of personal privacy" exemption in their open records law protect date of birth information. *See HAW. REV. STAT. § 92F - 13(1)*; *ILL. COMP. STAT. 140/7 (1)(b)*; *KAN. STAT. ANN. § 45-221(30)*; *KY. REV. STAT. § 61.878(1)(a)*; *MASS GEN. LAWS ANN. ch. 66, §10*; *MICH. COMP. LAWS ANN. § 15.243*; *N.H. REV. STAT. ANN. § 91-A:5*; *N.J. STAT. ANN. § 47:1A-10*; *N.Y. PUB. OFF. § 89(2)(b)(iv)*; *UTAH CODE ANN. § 63-2-302(2)(d)*. One state grants date of birth protection under a similar standard, "unreasonable invasion of personal privacy." *See S.C. CODE ANN. § 30-4-40(a)(2)*. Several states protect date of birth information under an

exception for employee "personnel" records. See ARIZ. ADMIN. CODE R2-5-105; DEL. CODE ANN. tit. 29 § 10002; KAN. STAT. ANN. § 45-221(4); IOWA CODE § 22.7; MD. CODE ANN., STATE GOV'T § 10-616(h)(2)(I); MISS. CODE ANN. § 25-1-100; N.D. CENT. CODE § 44-04-18.1; OR. REV. STAT. § 192.502(3); R.I. GEN. LAWS § 38-2-2; VA. CODE ANN. § 2.2-3705.1(1); WYO. STAT. ANN. § 16-4-203. The state of Georgia protects employee date of birth information under a statute that specifically makes confidential date of birth information "if technically-feasible at a reasonable cost." See GA. CODE ANN. § 50-18-72 11.3 (A). Several states protect date of birth information by unofficial policy. Finally, the state of Washington protects date of birth information under a state plan to curtail identity theft.

In two specific exceptions in the Texas Public Information Act, the Texas legislature has recognized the need to protect information that can be used to provide access to personal or private information or that can be used to cause personal financial harm. See Gov't Code §§ 552.136 (making confidential "a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body"), 552.147 (excepting from public disclosure "the social security number of a living person"). Although the crime of identity theft is becoming an increasing problem, neither the Comptroller, nor any of the parties she notified, has presented to this office sufficient evidence to establish that harmful financial consequences will result from the release of the date of birth information in response to this request. Cf. *In re Crawford*, 194 F.3d 954 (9th Cir. 1999), *cert denied*, 528 U.S. 1189 (2000) (grounding individual's expectation of privacy in his or her social security number in concern for risk of identity theft and other forms of fraud). Thus, in this instance, without more facts presented to this office, we are unable to conclude that the information is private or that "special circumstances" exist that would require protection of the date of birth information. Consequently, the Comptroller may not withhold the employee date of birth information under sections 552.101, 552.102, or 552.108. In future cases, however, based on a presentation of new facts and additional arguments, or based upon legislative changes, it is possible that Texas could join the growing number of states that protect from disclosure broad-based requests for date of birth information.

We turn now to your privacy claim for the employee deductions and net salary. This office has determined that personal financial information that relates only to an individual ordinarily satisfies the first element of the *Industrial Foundation* common law privacy test but the public has a legitimate interest in the essential facts about a financial transaction between an individual and a governmental body. See Open Records Decision Nos. 600 at 9-12 (1992) (identifying public and private portions of certain state personnel records), 545 at 4 (1990) (finding legitimate public interest in information regarding receipt of governmental funds or debts owed to governmental entities), 523 at 4 (1989) (noting distinction under common law privacy between confidential background financial information furnished to public body about individual and basic facts regarding particular financial transaction between individual and public body), 373 at 4 (1983) (determining public's interest on case-by-case basis; "all financial information relating to an individual --

including sources of income, salary, mortgage payments, assets, medical and utility bills, social security and veterans benefits, retirement and state assistance benefits, and credit history -- ordinarily satisfies the first requirement of common-law privacy, in that it constitutes highly intimate or embarrassing facts about the individual, such that its public disclosure would be highly objectionable to a person of ordinary sensibilities.”). Thus, a public employee’s allocation of part of the employee’s salary to a voluntary investment program offered by the employer is a personal investment decision, and information about that decision is protected by common-law privacy. *See, e.g.*, Open Records Decision Nos. 600 at 9-12 (1992) (concerning participation in TexFlex), 545 at 3-5 (1990) (concerning deferred compensation plan). Likewise, the details of an employee’s enrollment in a group insurance program, the designation of the beneficiary of an employee’s retirement benefits, and an employee’s authorization of direct deposit of the employee’s salary are protected by common-law privacy. *See* Open Records Decision No. 600 at 9-12. The fact that the person is a public employee making a financial decision through a payroll deduction program does not bear on the private nature of the information. *See* Open Records Decision No. 545 (1990).

The second part of the *Industrial Foundation* test requires the information in question to be not of legitimate concern to the public. In general, we have found the kinds of financial information not excepted from public disclosure by common law privacy to be those regarding the receipt of governmental funds, such as a public employee’s participation in an insurance program funded wholly or partially by his or her employer, or debts owed to governmental entities. Open Records Decision Nos. 600 (1992), 480 (1987), 385 (1983).

In this case, we find that, for portions of the deductions, no facts have been presented, nor are any apparent, which would establish a legitimate public interest in the individual employee deductions at issue. *See Industrial Foundation*, at 685. We therefore find that these portions are private and therefore excepted from public disclosure. *See* Gov’t Code § 552.101. However, for other deductions, we believe the public has a legitimate interest in the information. *See* Open Records Decision Nos. 600 (1992), 480 (1987). We also conclude that the employee net salary is private financial information because, by its revelation, the fact of a private deduction can be ascertained. We have marked the deductions the Comptroller must withhold to protect the employees’ privacy rights.³

³In light of our conclusion on privacy grounds, we need not address your claim that sections 54.43 and 54.714 of the Education Code make confidential the identification of employees and amounts deducted for prepaid tuition and college funds, your claim that section 552.117 excepts from disclosure the deductions for health insurance coverage for employee beneficiaries and any deductions for child and spousal support that are not related to Title IV-D child support cases of the OAG Child Support Division, or your claim that section 815.503 of the Government Code and section 1551.063 of the Insurance Code make confidential certain payroll deductions.

We next consider whether the information that is not private is nevertheless confidential under statutory law. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," and encompasses information made confidential by other statutes.

TGSLC argues that certain student loan garnishment information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 57.11(d) of the Education Code.⁴ TGSLC explains that once it has determined a defaulted borrower is eligible for wage withholding and employment is verified, a wage withholding order is issued to the borrower's employer. The order requires the employer to deduct portions of the employee's wages and forward them to the TGSLC. TGSLC states that "any information contained in the Comptroller's records relating to garnishment of a Texas state employee's salary pursuant to a wage withholding order is TGSLC's borrower information" and is confidential under section 57.11 of the Education Code.

Section 57.11(d) provides that "[s]tudent loan borrower information collected, assembled, or maintained by the corporation is confidential and is not subject to disclosure under Chapter 552, Government Code." Educ. Code § 57.11(d). This office has recognized that confidential information may be transferred between governmental bodies without violating its confidential character on the basis of a recognized need to maintain an unrestricted flow of information between governmental bodies. *See* Open Records Decision No. 674 at 4 (2001) (citing thirty years of authority for intergovernmental transfer doctrine). The intergovernmental transfer of the student loan borrower information does not affect the confidential status of the transferred information. *See id.* Consequently, the Comptroller must not release the information concerning deductions required by a TGSLC wage withholding order.

You raise section 825.507(a) of the Government Code for deduction information relating to TRS. In addition, TRS argues that the deductions include certain TRS participant information that is confidential pursuant to section 825.507(a) of the Government Code. Section 825.507(a) states in pertinent part:

(a) Records of a participant that are in the custody of the retirement system or . . . governmental agency acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure in a form that would identify an individual and are exempt from the public access provisions of Chapter 552, except as otherwise provided by this section.

Gov't Code § 825.507(a). "Participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system. *See id.* § 825.507(g).

⁴This office has determined that information concerning student loans guaranteed by the TGSLC is not private. *See* Open Records Decision No. 480 (1987).

Section 825.507(b)(5) states in part that TRS may release records of a participant to a governmental entity to the extent the retirement system needs to share the information to perform the purposes of the retirement system. *See id.* § 825.507(b)(5). Section 825.507(c) states in part that “the records of a participant remain confidential after release to a person as authorized by this section.” *See id.* § 825.507(c).

You state that the Comptroller holds deduction information relating to the TRS. TRS states that the Comptroller holds TRS participant information on behalf of TRS in conjunction with its role in administering the payroll for the state of Texas. TRS also states that the participant information includes the mandatory deduction amount for participation in the TRS retirement system, the retirement fee deductions (if any),⁵ and deductions for TRS purchase buyback.⁶ We find that the TRS participant deduction information is a record of a participant that is in the custody of a governmental agency acting in cooperation with or on behalf of the retirement system. *See id.* § 825.507(a). We therefore conclude that the deductions concerning TRS participants are confidential under section 825.507(a) and excepted from disclosure under section 552.101.

You state the ERS retirement contribution information may be confidential under section 815.503 of the Government Code. ERS argues certain deductions are private and are confidential under statutory law, specifically, Government Code section 815.503 and Insurance Code section 1551.063.

Section 815.503(a) provides as follows:

(a) Records of members, annuitants, retirees, beneficiaries, and alternate payees 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 the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general, because the records are exempt from the public access provisions of Chapter 552 [of the Government Code], except as otherwise provided by this section.

Gov't Code § 815.503(a). Section 815.503(b) provides in part that “[t]he retirement system may release the records . . . to another governmental entity having a legitimate need for the information to perform the purposes of the retirement system[.]” *Id.* § 815.503(b). Section

⁵You state that no retirement fees have been assessed to participants during the period covered by this request.

⁶The deduction for TRS purchase buyback is private.

815.503(c) provides in part that “[t]he records of a member, annuitant, retiree, beneficiary, or alternate payee remain confidential after release to a person as authorized by this section.” *Id.* § 815.503(c).

As we have already noted, to the extent we have determined that the deductions are private, we need not address ERS’s claims under statutory law. However, the deductions for retirement are not private, and so we consider ERS’s statutory claim for these deductions. ERS informs us that it administers retirement and employment-related benefits for several classes of public employees, including elected officials, appointed public officers, public employees, certain higher education employees, and their dependents. ERS states that the information necessary to produce some state employees’ salary deductions can be produced only by accessing information originating from confidential ERS member and group benefit program records. Thus, we understand that, in administering the payroll for the state of Texas, the Comptroller is acting in cooperation with or on behalf of ERS in collecting and maintaining information about retirement deductions. *See* Gov’t Code § 403.011 (concerning general powers of comptroller). We therefore believe the retirement information constitutes “records of members, annuitants, retirees, beneficiaries, and alternate payees under retirement plans administered by the retirement system that are in the custody of . . . [a] governmental agency acting in cooperation with or on behalf of the retirement system.” Thus, these deductions are confidential under Government Code section 815.503 and excepted from disclosure under section 552.101.

You assert that section 231.108 of the Family Code “may make [confidential] certain child support deduction information [the Comptroller holds] on behalf of the OAG’s Child Support Division.” The OAG asserts that the deductions that pertain to Title IV-D child support cases are confidential under federal law and section 231.108(a) of the Family Code.

The Social Security Act authorizes states to operate Title IV-D child support programs. *See* 42 U.S.C. § 651. In Texas, the OAG is designated as the state’s Title IV-D agency. *See* Family Code § 231.101. Under federal law, a state must have in effect safeguards, applicable to all confidential information handled by the State agency, that are designed to protect the privacy rights of the parties, including safeguards against the unauthorized use or disclosure of information relating to actions to establish paternity, or to establish, modify, or enforce support, or to make or enforce a child custody determination. *See* 42 U.S.C. § 654(26). Section 231.108 of the Family Code provides as follows:

- (a) Except as provided by Subsection (c), all files and records of services provided under [chapter 231 of the Family Code], including information concerning a custodial parent, noncustodial parent, child, and an alleged or presumed father, are confidential.

(b) Except as provided by Subsection (c), all communication made by a recipient of financial assistance under Chapter 31, Human Resources Code, or an applicant for or recipient of services under this chapter are privileged.

(c) The Title IV-D agency may use or release information from the files and records, including information that results from a communication made by a recipient of financial assistance under Chapter 31, Human Resources Code, or by an applicant for or recipient of services under this chapter, for purposes directly connected with the administration of the child support, paternity determination, parent locator, or aid to families with dependent children programs. The Title IV-D agency may release information from the files and records to a consumer reporting agency in accordance with Section 231.114.

(d) The Title IV-D agency by rule may provide for the release of information to public officials.

(e) The Title IV-D agency may not release information on the physical location of a person if:

(1) a protective order has been entered with respect to the person; or

(2) there is reason to believe that the release of information may result in emotional or physical harm to the person.

(f) The Title IV-D agency, by rule, may provide for the release of information to persons for purposes not prohibited by federal law.

Fam. Code § 231.108; *see also* Open Records Decision No. 417 at 4 (1984) (records relating to recipients of child support collection services are confidential).

The OAG states that the information at issue includes "payroll deductions made from the paychecks of state employees whose cases are IV-D cases enforced by the OAG's Child Support Division. Such information (i.e., the names of the state employees from whose paychecks deductions are taken, and the amount of those deductions) is contained in the files and records of services provided under chapter 231 of the Family Code." The OAG goes on to say that

the Comptroller is performing a federally mandated IV-D function pursuant to 42 U.S.C. § 666(b) for the OAG, i.e., the IV-D agency. In order to collect money from state employees owing child support in Title IV-D cases, the OAG sends withholding orders that are confidential under section 231.108(a) of the Family Code to the state agency, and the state agency then provides the information to the Comptroller for

purposes of withholding the child support from the employees wages. The transfer of IV-D information to the Comptroller via the state agency is in accordance with 42 U.S.C. § 666(b).

The OAG evidently released the withholding orders in accordance with subsection (c) for purposes connected with the administration of the child support program. Again, we note the well-settled policy of this state that governmental bodies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties. Because the Act does not undercut that policy, confidential information may be transferred between state agencies without destroying its confidential character. *See e.g.*, Op. Tex. Att'y Gen. No. H-917 at 1 (1976); Open Records Decision Nos. 674 at (2001), 661 at 3 (1999). Because the Comptroller obtained the information about the Title IV-D cases from the employing agency, which in turn obtained the information from the OAG in accordance with section 231.108, we conclude that the deductions related to Title IV-D child support cases are confidential under section 231.108(a) and excepted from disclosure under section 552.101.

Finally, we consider the required public disclosure of the peace officer designation sought by one of the requestors. The designation, if public, would be released in conjunction with the other employee-identifying information requested, which for this requestor includes the employee's full name, job title/description, agency/department, gross salary, race, sex, work address, date of employment, pay rate and information regarding work hours. You raise no exception to the public disclosure of the peace officer designation information. You state that you notified agencies that may wish to address this aspect of the request. No governmental body has submitted to this office arguments against disclosure of the peace officer designation. Accordingly, we conclude that you have not established that the peace officer designation is excepted from required disclosure and it must be released to the requestor.

In summary, the employees' net salary and certain marked deductions are private and excepted from disclosure under section 552.101. The following deductions are excepted from disclosure under section 552.101 in conjunction with statutory law: deductions required by a TGSLC wage withholding order under section 57.11(d) of the Education Code; deductions concerning TRS participants under Government Code section 825.507(a); deductions for ERS retirement under Government Code section 815.503(a); and deductions related to Title IV-D child support cases under Family Code section 231.108(a). The date of birth information, the peace officer designation, and the remaining deductions are public information and must be released to the requestor.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this

ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Kay Hastings
Assistant Attorney General
Open Records Division

KH/jh

Ref: ID# 242269

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