ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 2, 2009

Ms. Ylise Janssen
Senior School Law Attorney
Austin Independent School District
1111 West Sixth Street
Austin, Texas 78703-5338

OR2009-09183

Dear Ms. Janssen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 348181.

The Austin Independent School District (the "district") received a request for the following information for all district employees for the 2008 - 2009 school year: 1) last name, 2) first name, 3) middle name or initial, 4) sex, 5) location code, 6) location description, 7) job title, and 8) employee health insurance coverage for spouse only, children only, and family. The district states it released information responsive to items one through seven and asserts the remainder is excepted from disclosure under sections 552.101 and 552.117 of the Government Code. We have considered the district's claimed exceptions to disclosure and have reviewed the submitted information.

First, we note information revealing the health insurance coverage for the employee only is not responsive to the request. Thus, we do not address such information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses common-law privacy, which protects information that is highly intimate or embarrassing and it is of no legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). This office has found personal financial information not relating to the financial transaction between an individual and a governmental body is excepted from required public disclosure under common-law privacy. *See* Open Records Decision Nos. 600 (1992) (designation of beneficiary of employee's retirement benefits, direct deposit authorization,

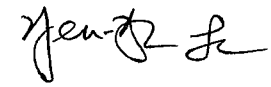
and forms allowing employee to allocate pretax compensation to group insurance, health care or dependent care), 545 (1990) (deferred compensation information, mortgage payments, assets, bills, and credit history), 523 (1989). However, information concerning financial transactions between an employee and a public employer is generally of legitimate public interest. *Id.* Therefore, financial information relating to retirement benefits must be disclosed if it reflects the employee's mandatory contributions to the state retirement system. Open Records Decision No. 600 (1992). On the other hand, information is excepted from disclosure if it relates to a voluntary investment the employee made in an option benefits plan offered by the agency. *Id.*

The district explains while it provides health insurance coverage for its employees, "employees may opt to purchase health insurance coverage for family members at their own expense." Given this representation, we agree the district must withhold the information responsive to item eight as private financial information pursuant to section 552.101 in conjunction with common-law privacy. Because section 552.101 is dispositive, we do not address the district's section 552.117 argument.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 348181

Enc: Submitted document

c: Requestor
(w/o enclosure)