



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 13, 2009

Mr. Randy Butcher  
Board Chairman  
Lubbock Fire Pension Fund  
#15 Briercroft Office Park  
Lubbock, Texas 79412

OR2009-14379

Dear Mr. Butcher:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 359741.

The Lubbock Fire Pension Fund (the "fund") received a request for (1) the amount of monthly pension increases granted by the fund to retirees and widows since 1997, and (2) the latest print-out of the fund's monthly pension distribution to all retirees and widows. The requestor subsequently clarified the request to include the names of each retiree or widow along with the amounts received. *See* Gov't Code § 552.222(b) (stating that if information requested is unclear, governmental body may ask requestor to clarify or narrow request). You claim that the identifying information of recipients of monthly distributions is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. The

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<sup>1</sup>We 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 office.

Texas Local Firefighters Retirement Act ("TLFRA"), article 6243e of Vernon's Texas Civil Statutes, provides in pertinent part:

Sec. 32. (a) Information contained in records that are in the custody of a retirement system established under this Act concerning an individual member, retiree, annuitant, or beneficiary is confidential under Section [552.101 of the Government Code] and may not be disclosed in a form identifiable with a specific individual unless:

(1) the information is disclosed to:

(A) the individual;

(B) the individual's attorney, guardian, executor, administrator, conservator, or other person who the board of trustees of the retirement system determines is acting in the interest of the individual or the individual's estate;

(C) a spouse or former spouse of the individual if the board of trustees determines that the information is relevant to the spouse's or former spouse's interest in member accounts, benefits, or other amounts payable by the retirement system; or

(D) a person authorized by the individual in writing to receive the information; or

(2) the information is disclosed under an authorization of the board of trustees that specifies the reason for the disclosure.

(b) This section does not prevent the disclosure of the status or identity of an individual as a member, former member, retiree, deceased member or retiree, or beneficiary of the retirement system.

(c) A determination and disclosure under Subsection (a) of this section may be made without notice to the individual member, retiree, annuitant, or beneficiary.

Tex. Rev. Civ. Stat. art. 6243e, § 32. We understand that the fund is an entity formed under the authority of TLFRA. We agree that the submitted information is in the custody of the fund and is subject to section 32 of article 6243e. We conclude that only the information that relates to and identifies an individual as a member, retiree, annuitant, or beneficiary in the retirement system is confidential under section 32(a). Thus, you must withhold the

information you have marked under section 552.101 of the Government Code in conjunction with section 32 of article 6243e of Vernon's Texas Civil Statutes. The remaining submitted information must be released to the requestor.

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](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, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 359741

Enc. Submitted documents

c: Requestor  
(w/o enclosures)