



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 13, 2014

Mr. Jeffrey J. Lehrman  
Anderson, Lehrman, Barre & Maraist, L.L.P.  
1001 Third Street, Suite 1  
Corpus Christi, Texas 78404

OR2014-20662

Dear Mr. Lehrman:

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# 542837.

The Corpus Christi Housing Authority (the "authority"), which you represent, received a request for the names and addresses of the twenty-one families that received the Section 8 home ownership voucher in 2014 and the qualifications for "the Section 8 Home Ownership Program[.]" You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have not submitted information responsive to the request for program qualifications for our review. Thus, to the extent any additional responsive information existed when the present request was received, we assume it has been released. If such information has not been released, then the authority must release it at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82.

Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. In Open Records Decision No. 318 (1982), this office concluded the names and present addresses of former residents of a public housing development were not protected from disclosure under the common-law right to privacy. *See* ORD 318. This office has also found information contained in a housing grant application regarding an applicant's family composition, employment, age, and ethnic origin is not information that is ordinarily protected from disclosure under the common-law right to privacy. *See* Open Records Decision No. 373 (1983). Likewise, the amounts paid by a housing authority on behalf of eligible tenants are not protected from disclosure under privacy interests. *See* Open Records Decision No. 268 (1981); *see also* Open Records Decision Nos. 600 at 9-10 (1992), 545 (1990), 489 (1987), 480 (1987). On the other hand, this office has found personal financial information regarding public housing tenants is excepted from disclosure pursuant to section 552.101 of the Government Code. *See* ORD 373. Upon review, we find the requested names and addresses are not private and the authority may not withhold this information under section 552.101 of the Government Code on that basis.

Section 552.101 of the Government Code also encompasses information other statutes make confidential. You further contend that the identities of applicants for public housing may be revealed only as provided by section 3544 of title 42 of the United States Code. Section 3544(b) of title 42 of the United States Code permits the Secretary of the Department of Housing and Urban Development ("HUD") to require an applicant or participant of any HUD program to consent to the release of salary, wage, and unemployment compensation information as a condition of initial or continuing eligibility and to assure that the level of benefits provided is correct. 42 U.S.C. § 3544(b). In pertinent part, the relevant statute reads as follows:

In order to protect applicants for, and recipients of, benefits under the programs of . . . [HUD] from the improper use of information obtained pursuant to the requirements of section 503(i) of this title from the State agency charged with the administration of the State unemployment compensation law, pursuant to section 3(d)(1) of the United States Housing Act of 1937 from the applicant or participant, or pursuant to section 6103(l)(7)(D)(ix) of Title 26 from the Commissioner of Social Security or the Secretary of the Treasury, officers and employees of . . . [HUD] and (in the case of information obtained pursuant to such section 503(i) or 3(d)(1)), representatives of public housing agencies may only use such information--

(i) to verify an applicant's or participant's eligibility for or level of benefits;  
or

(ii) in the case of an owner or public housing agency responsible for determining eligibility for or level of benefits, to inform such owner or public housing agency that an applicant's or participant's eligibility for or level of

benefits is uncertain and to request such owner or public housing agency to verify such applicant's or participant's income information.

*Id.* § 3544(c)(2)(A). This statute protects applicants for, and recipients of, benefits under HUD programs from the improper use of salary, wage, or unemployment compensation information obtained pursuant to the requirements of the three referenced federal statutes and used to verify an applicant's or participant's eligibility or income. *Id.* You have not established the information at issue was obtained pursuant to any of those statutes and used for verification purposes. Thus, we find you have not demonstrated section 3544(c)(2)(A) is applicable to the information at issue, and the authority may not withhold any of the information under section 552.101 of the Government Code on that basis.

Although you generally assert the submitted information is confidential under "various other sources of federal laws that limit the disclosure of information about public housing residents[.]" you have failed to provide any arguments explaining how the information is confidential under federal law. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies). Consequently, we find you have failed to demonstrate any of the submitted information is confidential under section 552.101 of the Government Code in conjunction with federal law, and the authority may not withhold it on that basis. As you raise no other exception to disclosure, the requested names and addresses must be released.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to 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# 542837

Enc. Submitted documents

c: Requestor  
(w/o enclosures)