



January 22, 2015

Mr. Gregory A. Shumpert
Counsel for the City of Terrell
Shumpert Law Offices
302 West Nash Street
Terrell, Texas 75160

OR2015-01230

Dear Mr. Shumpert:

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# 551395.

The City of Terrell (the "city"), which you represent, received two requests from the same requestor for (1) a list of residential addresses for four specified streets that are currently participating in the Section 8 Choice Voucher Program or similar program, and (2) all written communications and e-mails between the city and the United States Department of Housing and Urban Development ("HUD") pertaining to the requestor's open records request sent to the city on a specified date. You state some information was released to the requestor. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

¹Regardless of whether the city failed to comply with section 552.301 of the Government Code in requesting a ruling, we note section 552.101 of the Government Code is a mandatory exception that constitutes a compelling reason to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. *See* Gov't Code §§ 552.007, .301, .302, .352. Accordingly, we will consider the city's argument under section 552.101.

Initially, we note portions of the submitted information, which we have marked, are not responsive to the instant requests because they do not consist of communications between the city and HUD. The city need not release nonresponsive information in response to these requests, and this ruling will not address that information.

Next, you argue the requested addresses are “part of a housing program administered by [HUD]” and the addresses are “confidential and should only be released by the administering federal agency in the event the same is, in fact, found to be subject to release under applicable federal 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.” Gov’t Code § 552.101. However, you do not cite to any specific law, and we are not aware of any, that makes any portion of the submitted information confidential under section 552.101. *See* Open Records Decision No. 478 at 2 (1987) (statutory confidentiality requires express language making information confidential or stating information shall not be released to the public). Therefore, we conclude the city may not withhold any portion of the submitted information under section 552.101 of the Government Code.

Section 552.101 of the Government Code also encompasses 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. This office has found personal financial information not relating to a financial transaction between an individual and a governmental body is excepted from required public disclosure under common-law privacy. *See, e.g.*, Open Records Decision Nos. 545 (1990) (common-law privacy protects mortgage payments, assets, bills, and credit history), 523 (1989) (common-law privacy protects credit reports, financial statements, and other personal financial information), 373 (1983) (sources of income not related to financial transaction between individual and governmental body protected under common-law privacy). However, there is a legitimate public interest in the essential facts about a financial transaction between an individual and a governmental body. *See* ORD 545 (financial information pertaining to receipt of funds from governmental body or debts owed to governmental body not protected by common-law privacy). We note an individual’s name, address, and telephone number are generally not private information under common-law privacy. *See* Open Records Decision No. 554 at 3 (1990) (disclosure of person’s name, address, or telephone number not invasion of privacy); *see also* Open Records Decision No. 480 (1987) (names of students receiving loans and amounts received from Texas Guaranteed Student Loan Corporation are public); 318 (1982) (names and addresses of current or former residents of public housing development not protected under common-law privacy). You state the submitted information consists of addresses of individuals who are participating in the Section 8

Housing Choice Voucher Program. Upon review, we find you have failed to demonstrate any of the submitted information is highly intimate or embarrassing and not of legitimate public concern. Accordingly, the city may not withhold any of the submitted information under section 552.101 of the Government Code in conjunction with common-law privacy. As you raise no further exceptions to disclosure, the city must release the responsive information.

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, 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,



Lauren Dahlstein
Assistant Attorney General
Open Records Division

LMD/som

Ref: ID# 551395

Enc. Submitted documents

c: Requestor
(w/o enclosures)