



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 29, 2015

Ms. Danielle Folsom
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001

OR2015-08315

Dear Ms. Folsom:

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# 561563 (GC No. 22075).

The City of Houston (the "city") received a request for information regarding the city's policy for official or release time used by employees to conduct union, collective bargaining, or labor business during work hours for a specified time period, including (1) information that shows total annual cost, hours, and purpose of release time; (2) specified information pertaining to each individual who used at least 1,000 hours of release time; and (3) the sections of contracts that specify the terms, conditions, reporting requirements, and permitted uses of release time. You state you will release some information. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts "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. 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 Open Records Decision Nos. 600 (1992) (public employee's withholding allowance certificate, designation of beneficiary of employee's retirement benefits, direct deposit authorization, and employee's decisions regarding voluntary benefits programs, among others, are protected under common-law privacy), 545 (1990) (deferred compensation information, mortgage payments, assets, bills, and credit history).

You state the submitted information contains the names of due paying members of several unions associated with the city. You state this information is derived from payroll records that indicate payment of association dues through payroll deductions. You state an employee's decision to pay union dues is a personal investment decision. Thus, we find the information reflecting an employee's decision to pay union dues constitutes personal financial information in which there is no legitimate public interest. Accordingly, based on your arguments and our review, we agree the submitted information at issue satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Therefore, the city must withhold the identifying information of the due paying members, including name and employee number, under section 552.101 of the Government Code in conjunction with common-law privacy. As you raise no arguments against disclosure of the remaining information, it 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, 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,

A handwritten signature in black ink, appearing to read "Mili Gosar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mili Gosar
Assistant Attorney General
Open Records Division

MG/akg

Ref: ID# 561563

Enc. Submitted documents

c: Requestor
(w/o enclosures)