



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 8, 2015

Mr. John M. Tichi  
General Manager  
Jonestown Water Supply Corporation  
P. O. Box 5096  
Jonestown, Texas 78645

OR2015-25720

Dear Mr. Tichi:

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# 589961.

The Jonestown Water Supply Corporation (the "corporation") received a request for a specified contract. Although the corporation takes no position with respect to whether the requested information is excepted from disclosure, you state its release may implicate the privacy interests of an individual. Accordingly, you state the corporation notified this individual of the request for information and of her right to submit arguments stating why her information should not be released. *See* Gov't Code §§ 552.304 (interested third party may submit comments stating why information should or should not be released), .305(d). You have submitted comments from this individual. We have also received comments submitted by an unidentified interested third party. *See id.* § 552.304. We have reviewed the submitted information and the submitted arguments.

We understand the individual whose information is at issue asserts her information is confidential under common-law privacy and is therefore excepted from disclosure under section 552.101 of the Government Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 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,

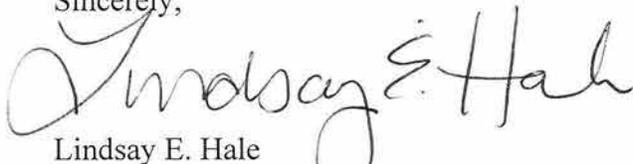
685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate or embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. This office has found that personal financial information not relating to a financial transaction between an individual and a governmental body is generally intimate or embarrassing. *See generally* Open Records Decision Nos. 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* Open Records Decision No. 545 (1990) (financial information pertaining to receipt of funds from governmental body or debts owed to governmental body not protected by common-law privacy). Whether the public's interest in obtaining personal financial information is sufficient to justify its disclosure must be determined on a case-by-case basis. *See* ORD 373.

The submitted information consists of an executed contract between the corporation and the individual at issue. Upon review, we find the information at issue does not constitute information that is highly intimate or embarrassing and not of legitimate public concern. Therefore, the corporation may not withhold the information at issue under section 552.101 of the Government Code in conjunction with common-law privacy. As no further exceptions to disclosure have been raised, the corporation must release the submitted 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](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,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/eb

Ref: ID# 589961

Enc. Submitted documents

c: Requestor  
(w/o enclosures)