



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

May 9, 2016

Mr. Matthew Grove  
Assistant County Attorney  
County of Fort Bend  
401 Jackson Street, 3<sup>rd</sup> Floor  
Richmond, Texas 77469

OR2016-10482

Dear Mr. Grove:

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# 608959.

Fort Bend County (the "county") received a request for the personnel file of a named individual. 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.

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. This section encompasses information protected by other statutes. In addition, a federal regulation enacted pursuant to statutory authority can provide statutory confidentiality for purposes of section 552.101 of the Act. *See* Open Records Decision No. 599 at 4 (1992). You raise section 552.101 in conjunction with part 603 of title 20 of the Code of Federal Regulations, which implements the Federal-State Unemployment Compensation Program, and pertains to the confidentiality and disclosure of information related to state unemployment compensation programs. 20 C.F.R. § 603.1 (providing purpose and scope of part 603). Section 1302(a) of title 42 of the United States Code authorizes the Secretary of Labor (the "secretary") to promulgate rules and regulations necessary to the efficient administration of the functions with which the secretary is charged. *See* 42 U.S.C. § 1302(a). In ORD 599, this office determined that federal regulations prohibit the disclosure of "wage information"

in the files of a state unemployment compensation agency, except for disclosure to an authorized requesting agency under certain circumstances. “Wage information” means “information in the records of a State [unemployment compensation] agency [and includes] the Federal employer identification number of the employer” reporting wages under a state unemployment compensation law. *See* 20 C.F.R. § 603.2(k); *see also* ORD 599 at 6. You assert the information at issue is confidential under section 552.101 on the basis of these federal regulations. However, the confidentiality provision of section 603.4 applies to “States and State [unemployment compensation] agencies.” *See* 20 C.F.R. §§ 603.1,603.2(f), (g). You have not demonstrated this provision is applicable to the county. Thus, no part of the submitted information is made confidential by section 603.4 of title 20 of the Code of Federal Regulations, and it may not be withheld under section 552.101 on that basis. As you raise no other exceptions to disclosure, the submitted information must be released.<sup>1</sup>

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,



Paige Lay  
Assistant Attorney General  
Open Records Division

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<sup>1</sup>We note the requestor has a right of access beyond that of the general public to some of the information being released. *See* Gov’t Code § 552.023(a) (person or person’s authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person’s privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual asks governmental body to provide him with information concerning himself). Accordingly, if the county receives another request for this information from an individual other than this requestor the county must again seek a ruling from this office.

Ref: ID# 608959

Enc. Submitted documents

c: Requestor  
(w/o enclosures)