



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

July 10, 1974

The Honorable Joe Allen
State of Texas
House of Representatives
Austin, Texas

Open Records Decision No. 40

Re: Itemized list of long distance
calls made by members of Legis-
lature on contingent expense
account.

Dear Representative Allen:

Pursuant to Section 7 (a) of Article 6252-17a, V. T. C. S., the Open Records Act, you have asked whether you are obligated to make available ". . . itemized telephone company statements which list long distance telephone calls made by a member of the House and charged to his or her contingent expense account." You have cited Section 3(a)(9) of the Act, which excepts from mandatory disclosure "private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy," as the basis for the refusal by the custodian of these records to make them available to various newspaper reporters.

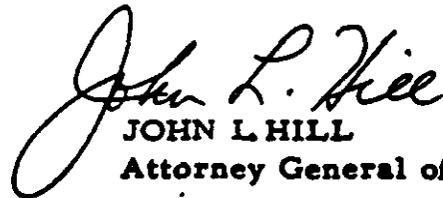
We do not believe that an itemized list of long distance telephone calls charged to the state falls within the protection of Section 3(a)(9). Such a list simply is not a communication. Furthermore, Section 6(a)(3) of the Act specifically makes public, "information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by governmental bodies, not otherwise made confidential by law."

Thus, statements which itemize long distance telephone calls made

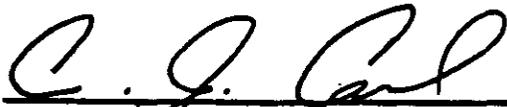
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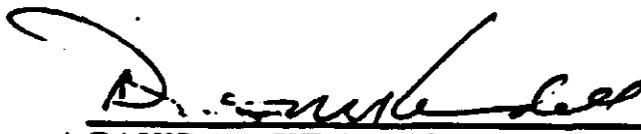
by members of the House of Representatives and charged to their contingent expense accounts are public information and should be released.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


C. J. CARL, Staff Legislative Assistant


DAVID M. KENDALL, Chairman
Opinion Committee