



The Attorney General of Texas

November 21, 1977

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An Equal Opportunity
Affirmative Action Employer

Honorable Ernie W. Tullis
Administrator
Texas Employment Commission
Austin, Texas 78778

Open Records Decision No. 182

Re: Whether a list of
new businesses is avail-
able from the Texas Em-
ployment Commission under
the Open Records Act.

Dear Mr. Tullis:

You request our decision as to whether a periodic list-
ing of new Texas businesses is subject to disclosure under
the Open Records Act, article 6252-17a, V.T.C.S. The requestor
would prefer that the listing be limited to those businesses
having more than 15 employees, but he does not seek disclosure
of the number of employees at each business. The information
requested is available on magnetic tape.

The Open Records Act excepts from disclosure

information deemed confidential by law,
either Constitutional, statutory, or by
judicial decision

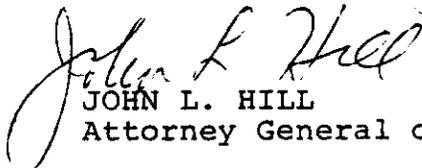
Sec. 3(a)(1). You indicate that you believe the requested
information is "deemed confidential" by article 5221b-9,
V.T.C.S., which provides in pertinent part:

(e) Records and Reports: Each employ-
ing unit shall keep true and accurate
employment records, containing such infor-
mation as the Commission may prescribe and
which is deemed necessary to the proper
administration of this Act. Such records
shall be open to inspection and subject to
being copied by the Commission or its au-
thorized representatives at any reasonable
time and as often as may be necessary. The
Commission may require from any employing
unit any sworn or unsworn reports, with re-
spect to persons employed by it, which the
Commission deems necessary for the effective

administration of this Act. Information thus obtained or otherwise secured shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) except as the Commission may deem necessary for the proper administration of this Act. Any employee or member of the Commission who violates any provision of this subsection shall be fined not less than Twenty Dollars (\$20), nor more than Two Hundred Dollars (\$200), or imprisoned for not longer than ninety (90) days, or both.

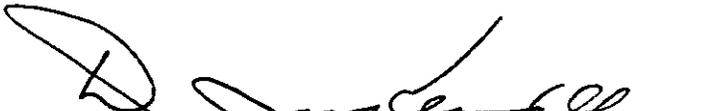
In our opinion, a listing of employers does not constitute "employment records" or "reports, with respect to persons employed" intended to be made confidential by this provision. The requestor does not seek disclosure of the names of, or any other information about, employees, nor even the number of persons employed at a particular business. See Attorney General Opinion H-404 (1974) at 5; Open Records Decision No. 95 (1975). Neither article 5221b-9 nor any other statute we have found forbids the disclosure of the kind of information at issue here. Accordingly, it is our view that a periodic listing of new Texas businesses is public information and must be disclosed.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant
C. ROBERT HEATH, Chairman
Opinion Committee

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