



The Attorney General of Texas

August 28, 1980

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Honorable Joseph N. Murphy, Jr.
Executive Director
Employees Retirement System
18th & Brazos
Austin, Texas 78711

Open Records Decision No. 247

Re: Whether names and addresses
of retired appellate judges are
available to the public

Dear Mr. Murphy:

You have requested our decision as to whether the names and addresses of retired appellate judges are available to the public under the Open Records Act, article 6252-17a, V.T.C.S.

Section 3(a)(1) of the act excepts from disclosure:

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

Section 7 of article 6228k, V.T.C.S., provides:

Records of all individual members and beneficiaries in the custody of statewide retirement systems are personnel records and are deemed to be confidential information under the provisions of Chapter 424, Acts of the 63d Legislature, Regular Session, 1973, as amended (article 6252-17a, Vernon's Texas Civil Statutes), except that information in the records may be transferred between statewide retirement systems to the extent necessary to administer the Act.

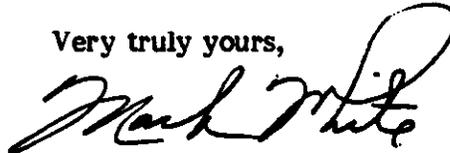
"Statewide retirement system" is defined by the statute to include "the Judicial Retirement System of Texas." V.T.C.S., art. 6228k, §1(1)(c). See also article 6228b, V.T.C.S.

Section 7 states that the records described therein constitute "personnel records." Section 3(a)(2) of the Open Records Act, which excepts "information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," is ordinarily not applicable to personnel information which reveals only names and addresses. See Open Records Decision No. 169 (1977). But section 7 is broader than

mere personnel information. It also specifically deems membership records in the custody of the Judicial Retirement System "to be confidential information" under the Open Records Act. Thus, such records constitute "information deemed confidential by law." We note that in Open Records Decision No. 104 (1975), this office held that a similar provision in a predecessor statute of article 6228k prohibited the disclosure of teacher retirement system records.

It is therefore our decision that the names and addresses of retired appellate judges, which information is in the custody of the Judicial Retirement System, are excepted from disclosure by section 3(a)(1) of the Open Records Act, as information deemed confidential by statutory law, specifically by section 7 of article 6228k. We do not suggest, however, that some or all of the same information might be available from other sources.

Very truly yours,



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