



# The Attorney General of Texas

April 16, 1981

**MARK WHITE**  
Attorney General

Supreme Court Building  
P.O. Box 12548  
Austin, TX. 78711  
512/475-2501

1807 Main St., Suite 1400  
Dallas, TX. 75201  
214/742-8044

4824 Alberta Ave., Suite 180  
El Paso, TX. 79805  
915/533-3484

1220 Dallas Ave., Suite 202  
Houston, TX. 77002  
650-0666

806 Broadway, Suite 312  
Lubbock, TX. 79401  
806/747-5238

4309 N Tenth, Suite B  
McAllen, TX. 78501  
512/682-4547

200 Main Plaza, Suite 400  
San Antonio, TX. 78205  
512/225-4191

An Equal Opportunity/  
Affirmative Action Employer

**Mr. A. Robert Raetzsch**  
Assistant County Attorney  
Guadalupe County Courthouse  
Seguin, Texas 78155

Open Records Decision No. 268

Re: Whether certain records held  
by the Seguin Housing Authority  
are available under the Open  
Records Act

Dear Mr. Raetzsch:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether certain records held by the Seguin Housing Authority are available to the public.

The housing authority of the city of Seguin was created by the city pursuant to article 1269k, V.T.C.S. The commissioners who compose the authority are appointed by the mayor. V.T.C.S. art. 1269k, §5. The authority constitutes "a public body corporate and politic, exercising public and essential governmental functions." V.T.C.S. art. 1269k, §8. You state that the housing authority operates two kinds of programs. In the first of these, the authority acts as landlord and manager of apartment units. In the other, the authority pays a monthly subsidy to private owners of apartment units on behalf of eligible tenants, i.e., those who meet the income requirements established by the federal Department of Housing and Urban Development.

An individual has requested that you furnish her three types of information: (1) a listing of the addresses of housing units operated by private landlords who participated in the subsidy program from January 1979 through October 1980; (2) a listing of the owners and/or managers of these units; and (3) the total amounts paid by the authority to the owner or manager from January 1979 through October 1980. You first suggest that the housing authority is not a "governmental body" within the meaning of the Open Records Act.

Section 2(1) of the Open Records Act defines "governmental body" to include, inter alia:

the part, section, or portion of every organization,  
corporation, commission, committee, institution, or

agency which is supported in whole or in part by public funds, or which expends public funds. Public funds as used herein shall mean funds of the State of Texas or any governmental subdivision thereof. . . .

It is undisputed that the housing authority is an agent of Seguin, created by act of the city; its commissioners are appointed by the mayor. You state that the authority does not receive any revenues from the state of Texas, Guadalupe County, the city of Seguin, or any other local taxing authority. Its revenue is entirely derived from the rentals it collects and from federal funds.

Even though the authority may receive no funds directly from the state or any local government, the amounts it collects from its rentals assume the character of "public moneys" as soon as they are paid to the authority. Unless they are trust funds, all funds collected by a public agency constitute "public moneys," whether their collection is referable to the police power or to the taxing power. Texas Pharmaceutical Assn. v. Dooley, 90 S.W. 2d 328, 330 (Tex. Civ. App. - Austin 1936, no writ). See generally Letter Advisory No. 132 (1977). We conclude that the housing authority of the city of Seguin is a "governmental body" within the meaning of the Open Records Act.

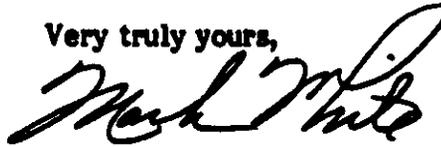
You also contend that the information here requested is excepted from disclosure by section 3(a)(1) of the act, as "information deemed confidential by law," specifically by judicial decisions recognizing individual privacy. We believe it is clear that the information is not excepted by a constitutional right of privacy. See Industrial Foundation of the South v. Texas Industrial Accident Board, 540 S.W. 2d 668, 679 (Tex. 1976). In order for information to be excepted by a common law right of privacy, it must:

contain highly intimate or embarrassing facts about a person's private affairs, such that its publication would be highly objectionable to a person of ordinary sensibilities.

540 S.W. 2d at 683.

In our opinion, the requested information, containing the addresses of subsidized housing units, the names of the owners thereof, and the amounts of individual subsidies paid for each unit, is not embraced within the purview of common law privacy. We have frequently noted that the scope of common law privacy is narrow indeed. See Open Records Decision Nos. 262 (1980); 260 (1980); 258 (1980); 257 (1980). In Open Records Decision No. 201 (1977), this office said that information relating to loans made by an official community action agency to specific individuals was not excepted by section 3(a)(1). Accordingly, it is our decision that records listing addresses and owners of subsidized housing units, as well as amounts paid by the housing authority to such owners on behalf of eligible tenants, are not excepted from disclosure under any provision of the Open Records Act.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark White". The signature is fluid and cursive, with the first name "Mark" and last name "White" clearly distinguishable.

MARK WHITE  
Attorney General of Texas

JOHN W. FAINTER, JR.  
First Assistant Attorney General

RICHARD E. GRAY III  
Executive Assistant Attorney General

Prepared by Rick Gilpin  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

Susan L. Garrison, Chairman  
Jon Bible  
Walter Davis  
Rick Gilpin