



The Attorney General of Texas

June 13, 1983

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Mr. Donald W. Allee
Edinburg Hospital Authority
P. O. Box 2000
Edinburg, Texas 78539

Open Records Decision No. 385

Re: Whether accounts receivable
of Edinburg General Hospital are
available to the public under
the Open Records Act

Dear Mr. Allee:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether information in the accounts receivable of Edinburg General Hospital are available to the public. The records at issue here consist of the names of patients, account numbers, the amounts owed and the dates upon which the accounts became delinquent. You suggest that the information may be excepted from disclosure under section 3(a)(1) of the Open Records Act, as "information deemed confidential by law," specifically, federal statutes regarding consumer credit information and the individual's right of privacy.

The federal law in question, sections 1681, et seq. and 1692, et seq., 15 U.S.C., is applicable only to information in the custody of credit reporting agencies. It has no application to credit information held by a public hospital.

In Open Records Decision No. 373 (1983), we held that financial information contained in files of applicants for housing rehabilitation grants ordinarily satisfied the first prong of the common law privacy test, because it could constitute "highly intimate or embarrassing facts, the disclosure of which would be highly objectionable to a person of ordinary sensibilities." We also found that the information satisfied the second prong of the test, in that it was "not of legitimate concern to the public." We emphasized, however, that such determinations must necessarily be made on a case-by-case basis. Furthermore, we did not imply in Open Records Decision No. 373 that the amount of any individual grant matched with the recipient's name could be withheld from disclosure.

Section 6(3) of the Open Records Act specifically makes public:

information in any account, voucher, or contract
dealing with the receipt or expenditure of public

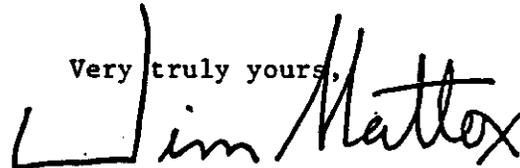
or other funds by governmental bodies, not otherwise made confidential by law.

Even if it may reasonably be said that the names of a public hospital's debtors, the amounts they owe, and the dates on which their accounts became delinquent constitute "highly intimate or embarrassing facts," we believe that such information is of legitimate concern to the public. Section 6(3) evidences a policy of full disclosure of a public body's debtors and creditors. See Open Records Decision No. 151 (1977).

In Open Records Decision No. 374 (1983), we held that the names of doctors who receive medicaid payments, and the amounts paid, are subject to disclosure. See also, Open Records Decision No. 268 (1981). In our opinion, the difference between the present inquiry and that of Open Records Decision No. 373 is similar to the situation which pertains to criminal history record information: the arrest of an individual on a particular charge is public information in the custody of a police department, but his arrest history is not. Open Records Decision No. 127 (1976). Likewise, we believe it is appropriate to make a distinction between background financial information furnished to a public body about an individual and the basic facts regarding a particular financial transaction between the individual and the public body. Because only the latter is the type of information specifically made public by section 6(3), we believe it is only the latter which is in this instance excepted from the more general rule regarding confidentiality of personal financial information. See Open Records Decision No. 374 (1983). The confidentiality of background financial information should continue to be determined on a case-by-case basis.

It is our decision that information in the accounts receivable of Edinburg General Hospital -- including the patients' names, account numbers, amounts owed, and dates upon which the accounts became delinquent -- is not excepted from disclosure under any provision of the Open Records Act.

Very truly yours,



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