



# The Attorney General of Texas

August 15, 1983

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Honorable Joe Max Taylor  
Sheriff  
Galveston County Courthouse  
715 - 19th Street  
Galveston, Texas 77550

Open Records Decision No. 396

Re: Whether financial records on  
operation of jail commissary are  
available under the Open Records  
Act

Dear Sheriff Taylor:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to the disclosability of financial records relating to inmate trust accounts. We conclude that such records are excepted in part by a common law right of privacy under section 3(a)(1).

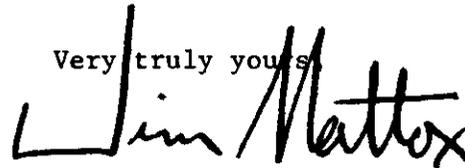
The information at issue here consists of the names of inmates, the sums deposited to their trust accounts, and their financial transactions with the commissary of the Galveston County Jail. In Open Records Decision No. 373 (1983), we held that background financial information about individuals who transact business with a public body may ordinarily be withheld by a common law right of privacy. On the other hand, in Open Records Decision No. 385 we said that information in the accounts receivable of a public hospital -- including the names of patients and the amount of money owed -- is not excepted from disclosure by a common law right of privacy. The distinction was based largely on the public's legitimate concern about direct information relating to a public body's debtors and creditors.

In the present instance, we believe that distinction means that the public is ordinarily entitled to information regarding an individual inmate's transactions with the jail commissary, since such matters involve the "receipt or expenditure of public. . . funds by governmental bodies." V.T.C.S. art. 6252-17a, §6(3). In particular instances, the identity of certain products may be withheld to protect a common law right of privacy, e.g., certain medications or publications. Information about the sums deposited to inmate accounts, and the total amount an inmate has on deposit at any particular time, does not, however, relate to the receipt or expenditure of public funds. With regard to those funds, the sheriff acts merely in the capacity of trustee for the inmates. As a result, we do not believe that there is sufficient legitimate public concern

with regard to such information to overcome the inmate's right of common law privacy about his financial affairs under section 3(a)(1). As you suggest, such material may be likened to information about an individual's personal bank records, and, under the standard of Open Records Decision No. 373, should be deemed to constitute background financial information.

You also contend that the information at issue is excepted from disclosure by section 3(a)(8), the law enforcement exception, and by section 3(a)(11), the inter-agency memorandum exception. In our opinion, that material which we have found to be disclosable under section 3(a)(1) -- information regarding individual inmates' financial transactions with the jail commissary -- is not excepted under either section 3(a)(8) or section 3(a)(11).

Very truly yours,

A handwritten signature in black ink that reads "Jim Mattox". The signature is written in a cursive style with a large, prominent "J" and "M".

J I M M A T T O X  
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