



THE ATTORNEY GENERAL
OF TEXAS

JUDY BLUMFELDER
ATTORNEY GENERAL

February 20, 1990

Mr. William Grossenbacher
Administrator
Texas Employment Commission
101 East 15th Street
Austin, Texas 78778-0001

OR90-068

Dear Mr. Grossenbacher:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 7462.

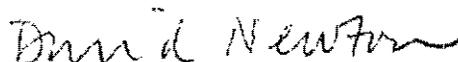
The Texas Employment Commission received an open records request for the unemployment compensation tax rates of participating employers. Specifically, the request seeks the name and addresses of all employers and the employers' "contribution rate for the current period." The commission seeks to withhold this information from required public disclosure under sections 3(a)(1), 3(a)(4) and 3(a)(10) of the Open Records Act. Regarding section 3(a)(1), the commission claims that the employers' current tax rate is information deemed confidential by article 5221b-9(g).

Article 5221b-9(g) provides that the commission may obtain reports from employers as necessary for the administration of the Unemployment Compensation Act. Article 5221b-9(g) further provides that "[i]nformation thus obtained or otherwise secured shall not be published or be open to public inspection" The names and addresses of employers participating in the unemployment compensation system are not confidential. See Attorney General Opinion H-626 (1975) (written decisions of the commission, which contain this information, are not excepted from disclosure). The employer's tax rate, computed in accordance with article 5221b-5, reflects benefit payments to the employees and chargebacks to the employer. In Attorney General Opinion H-626 this office said that the predecessor of article 5221b-9(g) is "sufficiently broad to embrace records pertaining to investigations by the Commission, as well as records obtained from either the claimant or the employing unit." The tax rate is derived by the commission from its

records of payments to claimants and claim experience of employers, and we believe it constitutes information "otherwise secured" within article 5221-9(g). See generally Attorney General Opinions H-661 (1975); H-404, H-223 (1974).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-068.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

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Ref.: ID# 7462

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