



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

April 5, 1990

Ms. Merri Schneider-Vogel  
Bracewell & Patterson  
Attorney for Alief I.S.D.  
100 Congress Avenue  
Austin, Texas 78701-4042

OR90-130

Dear Ms. Schneider-Vogel:

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# 7929.

The Alief Independent School District received a request under the Texas Open Records Act for the current pay and deductions for an employee of the district. You have submitted a copy of his paycheck stub which states his gross pay, total deductions, net pay, and specific amounts deducted for federal withholding tax, an annuity, retirement, and life insurance. You believe that the amounts withheld for federal income tax, an annuity, retirement, and life insurance are protected from disclosure by sections 3(a)(1) and 3(a)(2) of the Open Records Act as information protected by a common law right of privacy.

The information as to the amount of federal income tax withheld has been held to be excepted from public disclosure by section 3(a)(1) of the Texas Open Records Act. Open Records Decision No. 226 (1979). Background financial information regarding an individual has been held to be protected from public disclosure by common-law privacy, while the essential facts regarding a particular financial transaction between an individual and a governmental body have been held not to be protected by privacy. See Open Records Decision No. 523 (1989). We believe the amount of money deducted for the teacher retirement program is open to the public under this standard. We are unable to determine whether the annuity deduction is allocated to the teachers retirement program or a private program like the deferred compensation program discussed in Open Records Decision No. 545 (1990). If it is comparable to the latter, it is excepted from public disclosure by a common law right of

privacy incorporated into section 3(a)(1) of the Open Records Act. Nor can we determine whether the deduction for life insurance is for participation in a plan established and implemented by the district, or a private plan in which the district has no involvement other than making the deduction authorized by the employee. See Educ. Code § 2.07; Attorney General Opinion JM-53 (1983). The former kind of deduction is open to the public, while the latter is not.

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 OR90-130.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/le

Ref.: ID# 7929, 8056

Enclosures: Open Records Decision Nos. 226; 523; 545; JM-53

cc: Dr. Wayne Blevins  
Superintendent  
Alief I.S.D.  
P.O. Box 68  
Alief, Texas 77411

Mr. Bruce Wolbrette  
Assistant Superintendent for Finance  
Alief I.S.D.  
P.O. Box 68  
Alief, Texas 77411