



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

May 11, 1990

Honorable Angel A. Flores
County Judge
Zapata County
P.O. Box 99
Zapata, Texas 78076

OR90-178

Dear Judge Flores:

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# 8483.

You have received a request for a 15-year old list of delinquent accounts of the Waterplant of Zapata County. You urge that this list be withheld from public disclosure because you feel the list is inaccurate in that some of the people on the list may be dead or no longer indebted to the Zapata County Waterplant. You express concern about possible legal action against the county presumably based on an intrusion into the privacy rights of the individuals whose names appear on the list. Section 3(a)(1) of the Open Records Act prohibits the disclosure of information deemed confidential by common-law privacy rights.

Industrial Found. of the South v. Texas Indus. Accident Bd., 540 S.W.2d 668, (Tex. 1976), cert denied, 430 U.S. 930 (1977), held that information may be withheld on privacy grounds if it is both highly intimate or embarrassing and of no legitimate concern to the public. The disclosure of indebtedness would reveal highly intimate or embarrassing information. But because the debt is owed to a governmental entity, rather than to a private party, there is a legitimate public interest in the information. See Open Records Decision No. 443 (1986). We also point out that section 6(3) of the Texas Open Records Act expresses a legislative policy toward favoring the disclosure of "information in any account, voucher, or contract dealing with the receipt of expenditure of public or other funds by governmental bodies."

For the reasons discussed above, you must release the requested information. We have enclosed a copy of Open Records Decision No. 443 (1986).

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 OR90-178.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/le

Ref.: ID# 8483, 8310, 8583

Enclosure: Open Records Decision No. 443

cc: Henry A. Garcia
Staff Writer
The Zapata County News
P.O. Box 216
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