



THE ATTORNEY GENERAL
OF TEXAS.

JIM MATTOX
ATTORNEY GENERAL

May 11, 1990

Mr. Clayton T. Garrison
Executive Director
Employees Retirement System of Texas
P.O. Box 13207
Austin, Texas 78711-3207

OR90-179

Dear Mr. Garrison:

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 requests were assigned ID#s 8091 and 791C.

The Employees Retirement System (ERS) received two open records requests for information concerning the retirement accounts of deceased former members. One request specifically asks for "copies of all life, health, or accident insurance policies and any other benefits" to which a named deceased member or her beneficiary was entitled, including copies of any documents relating to the designation by the member of a beneficiary or a change of beneficiary. The other request is for information relating to the designations by a named deceased member of the system of a beneficiary or a change of beneficiary to the member's retirement account. The ERS seeks to withhold the requested information from required disclosure under section 3(a)(1) of the Open Records Act as information deemed confidential by law, specifically section 815.503 of the Government Code.

Section 815.503 of the Government Code provides as follows:

Records of members and beneficiaries under retirement plans administered by the retirement system that are in the custody of the system are considered to be personnel records and are required to be treated as confidential information under Section 3(a)(1), Chapter 424, Acts of the 63rd Legislature, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

We have considered the exception to disclosure that you cited and reviewed the documents you submitted. The information in question is deemed confidential under the statute cited. For this reason you may withhold the information. For purposes of any similar requests you receive in the future concerning this particular information, you may consider this to be a previous determination under section 7(a) of the act and need not request another determination from this office.

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 OR90-179.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

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Ref.: ID# 8091, 7910

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