



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

May 16, 1990

Mr. William M. Hale  
Executive Director  
Texas Commission on Human Rights  
P.O. Box 13493  
Capitol Station  
Austin, Texas 78711

OR90-185

Dear Mr. Hale:

You have asked this office to reconsider informal open records ruling OR90-126 (1990), in which we concluded that statistical data held by the Texas Commission on Human Rights (the commission) that details the number of employment discrimination complaints filed against various state agencies was not confidential under section 8.02 of article 5221k, V.T.C.S. Because you now raise additional arguments that this information is made confidential by federal law, OR90-126 is withdrawn and replaced by this open records ruling. Your most recent letter to this office was assigned ID# 9399.

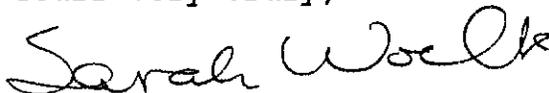
All employment discrimination complaints filed with the United States Equal Employment Opportunity Commission (EEOC) are confidential, 42 U.S.C. § 2000e-5(b); EEOC officers and employees may not make public any information pertaining to such complaints unless a lawsuit is filed in order to remedy the discriminatory practice. 42 U.S.C. § 2000e-8(e); but see 29 C.F.R. § 1601.22 (statistical data that does not reveal the identities of the charging party, the respondent, or persons supplying information may be made public); Open Records Decision No. 245 (1980) (terms of a settlement agreement on an equal employment claim are public).

The EEOC is required to transfer federal jurisdiction over claims of employment discrimination to the commission where a complaint alleges an unlawful employment practice in violation of a state law. 42 U.S.C. § 2000e-5(d). The confidential information pertaining to a discrimination complaint transferred from the EEOC to the commission retains its confidentiality after such transfer. Cf. Attorney General Opinion JM-275 (1984) (confidential information

transferred from the commission to local human rights commission retains its confidential character).

Consequently, the commission may not release any information pertaining to any complaint referred to it by the EEOC that reveals the identities of state agencies that are the subject of the commission's investigations unless a lawsuit has been filed in connection with the complaint. But see Open Records Decision No. 155 (1977) (no federal statute prevents an employer's disclosure of information relating to a claim of employment discrimination). Further, because one of the purposes of the Commission on Human Rights Act is to "provide for the execution of the policies embodied in Title VII of the federal Civil Rights Act of 1964," see V.T.C.S. art. 5221k, § 1.02(1), similar information pertaining to complaints filed directly with the commission should also be withheld. If you have questions about this ruling, please refer to OR90-185.

Yours very truly,



Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/RWP/le

Ref.: ID# 9399  
OR90-126

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