



THE ATTORNEY GENERAL
OF TEXAS

JIM NEATTON
ATTORNEY GENERAL

June 12, 1990

Mr. John W. Petry
Attorney for Carrizo Springs I.S.D.
Petry Law Building
P.O. Drawer 218
Carrizo Springs, Texas 78834

OR90-224

Dear Mr. Petry:

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# 8906.

The Carrizo Springs Consolidated Independent School District received a request for copies of the payroll registers of teachers in the district. The payroll registers contain payroll information about individual teachers, including social security numbers, gross salary, FICA deductions, retirement deductions, annuities information, number of dependents. You seek to withhold the payroll registers from required public disclosure because the information is "personal to the teachers under federal and state rules." You do not cite the rules to which you refer. We understand you to raise section 3(a)(1) as an exception to the disclosure of the information sought. Section 3(a)(1) protects from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision."

We have considered the exception you claimed, and have reviewed the documents at issue. Teachers' salaries are public information. Open Records Decision No. 41 (1974). Social security numbers are not excepted from disclosure. Attorney General Opinion H-242 (1974); Open Records Decision No. 169 (1977). However, the amount of federal income tax withheld, FICA tax withheld, and total FICA wages is excepted from disclosure and may therefore be withheld. Open Records Decision No. 226 (1979). Information about annuity and retirement participation or contributions by a particular individual may be excepted from disclosure. Open Records Decision No. 545 (1990). It is not clear from the payroll register you submitted whether annuity deductions

are allocated to a public teachers' retirement program, which would be subject to disclosure, or to a private deferred compensation program which would be protected from disclosure by a common law right of privacy incorporated into section 3(a)(1) of the Open Records Act. Likewise, life insurance deductions for a plan established and implemented by the district are open, but deductions made to a private plan in which the district has no involvement other than making the deduction authorized by the employee are not. See Education Code §2.07; Attorney General Opinion JM-53 (1983).

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 OR90-224.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

DAN/le

Ref.: ID# 8906, 9579, 9696

Enclosure: Open Records Decision Nos. 41, 169, 226, 545
Attorney General Opinions H-242, JM-53

cc: Laura Taylor
P.O. Box 394
Carrizo Springs, Texas 78834