



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTON  
ATTORNEY GENERAL

June 25, 1990

Mr. William Grossenbacher  
Administrator  
Texas Employment Commission  
T.E.C. Building  
Austin, Texas 78778

OR90-263

Dear Mr. Grossenbacher:

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# 9106.

You have received a request for the following information pertaining to employers in certain counties in Texas: name, address, SIC Code, phone number, employee count, T.E.C. identification number and whether each employer has filed a C-3 and C-4 in the last year. You raise exception 3(a)(1) of the Open Records Act and article 5221b-9(g), V.T.C.S., to the required disclosure of this information.

Section 3(a)(1) of the Open Records Act excepts from disclosure "information deemed confidential by law either Constitutional, statutory, or by judicial decision. . ." You indicate the requested information is deemed confidential by article 5221b-9(g) which provides:

Records and Reports: Each employing unit shall keep true and accurate employment records, containing such information as the Commission may prescribe and which is deemed necessary to the proper administration of this Act. Such records shall be open to inspection and subject to being copied by the Commission or its authorized representatives at any reasonable time and as often as may be necessary. The Commission may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the Commission deems necessary for

the effective administration of this Act. Information thus obtained, or otherwise secured shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) except as the Commission may deem necessary for the proper administration of this Act. Any employee or member of the Commission who violates any provision of this subsection shall be fined not less than Twenty Dollars (\$20), nor more than Two Hundred Dollars (\$200), or imprisoned for not longer than ninety (90) days, or both.

Article 5221b-9(g) authorizes the Texas Employment Commission [TEC] to secure any information from employers about their employees that is necessary to the administration of the Unemployment Compensation Act, and to keep such information confidential. Attorney General Opinion H-404 (1974). The information requested in this case, is information about the employing units. Because the requested information is not information about employees collected from employers, the TEC is not authorized to keep it confidential by article 5221b-9(g). Id. See also Attorney General Opinion H-626 (1975); Open Records Decision No. 235 (1980). Consequently, you must release this information.

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 OR90-263.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/le

Ref.: ID# 9106, 9112

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