



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 6, 1991

Mr. Robert Giddings
The University of Texas System
Office of the General Counsel
201 West Seventh Street
Austin, Texas 78701-2981

OR91-555

Dear Mr. Giddings:

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# 14007.

The Vice President for Business Affairs at the University of Texas at San Antonio has received a request for copies of the appointment calendars of three employees of the University of Texas System. You claim that the requested information contains personal notes in the sole possession of the named individuals made solely for their own use and is as such excepted from required public disclosure under the Open Records Act.

In support of your contention that the requested appointment calendars are confidential and therefore excepted from public disclosure, you cite Open Records Decision Nos. 145 (1976); 116, 77 (1975). These decisions do not, however, approve a blanket exception from disclosure for all appointment calendars. Indeed, Open Records Decision No. 116 explicitly stated that appointment lists are public information. The decisions you cite merely permit a governmental body to withhold certain personal notes handwritten on the appointment calendars.

Thus, information contained on calendars may be excepted from required public disclosure by common-law privacy interests under section 3(a)(1) when such information meets the privacy test detailed in *Industrial Found. of the South v. Texas*

Indust. Accident Bd., 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In *Industrial Foundation*, the Texas Supreme Court ruled that common-law privacy excepts only information containing highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person and is not of legitimate concern to the public. In cases in which important public figures are involved, a legitimate public concern may overcome any right of common-law privacy. See Open Records Decision No. 455 (1987).

We have examined the documents submitted to us for review. Much of the information contained on the requested appointment calendars clearly relates to official business which is of legitimate concern to the public. Most of the remaining information is characteristic of neither official transactions nor strictly personal business. In any case, none of the remaining information is of an "intimate or embarrassing" nature. Accordingly, we conclude that the requested information must be released in its entirety.

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 OR91-555.

Yours very truly,



Kym Oltrogge
Assistant Attorney General
Opinion Committee

KO/GK/lcd

Ref.: ID#s 14007, 14020

cc: Mr. Philip D. Olivier
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