



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 12, 1992

Mr. Jeff Hankins
Legal Assistant
Program Division, Legal Services, 110-1C
Texas Department of Insurance
P. O. Box 149104
Austin, Texas 78714-9104

OR92-86

Dear Mr. Hankins:

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# 14869.

You have received a request for access to "a list of names of the employees who were laid off by the [Texas Department of Insurance] on January 29, 1992." You seek to withhold the requested information under the doctrine of common-law privacy as incorporated into the Open Records Act by section 3(a)(1).

Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory or by judicial decision." The doctrine of common-law privacy protects information containing highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, provided the information is not of legitimate public concern. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Section 6(2) of the Open Records Act makes public the names of all employees of a governmental body. Open Records Decision No. 557 (1990). Generally, actions associated with a person's public employment do not constitute his private affairs. *See* Open Records Decision No. 470 (1987). On numerous occasions, this office has held that the *reasons* for an employee's resignation or termination are not ordinarily excepted from required

public disclosure by the doctrine of common-law privacy. *See, e.g.*, Open Records Decision Nos. 444 (1986) (reason's for employee's termination not excepted under doctrine of common-law privacy) (section 3(a)(2)); 329 (1982); 269 (1981) (documents relating to an employee's resignation may not be withheld under doctrine of common-law privacy) (section 3(a)(2)). Clearly, the name of a public employee who has been terminated is not protected by the doctrine of common-law privacy. Accordingly, we conclude that the requested information is not excepted from required public disclosure by section 3(a)(1) of the Open Records Act and 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 OR92-86.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/GK/mc

Ref.: ID# 14869

cc: Ms. Rebecca Rodriguez
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