



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 30, 1993

Mr. Alvin Miller
Director, Accounting
Office of the Attorney General
P. O. Box 12548
Austin, Texas 78711-2548

OR93-188

Dear Mr. Miller:

You have received a request for the payee names of certain Texas treasury warrants issued by the Office of the Attorney General. You explain that the warrants represent payment of "child support," "workers' compensation," or "crime victims compensation." You ask whether the payee names are subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17253.

Section 3(a)(1) exempts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." The Workers' Compensation Act, article 8308-2.31(a), V.T.C.S., provides:

(a) Information in or derived from a claim file *regarding an employee* is confidential and may not be disclosed by the [Texas Workers' Compensation Commission] except as provided by this act. [Emphasis added.]

Although this provision by its terms applies only to the Texas Workers' Compensation Commission (the "commission"), article 8308-2.36 requires that information made confidential by article 8308-2.31 that is obtained by the Office of the Attorney General from the commission be kept confidential.¹ We understand the warrant for "workers compensation" at issue here is payable directly to an employee. Article 8308-2.31(a)

¹Article 8308-2.36 provides in part that "[a]ny information relating to a claim that is confidential under this Act remains confidential when released to any person, except when used in court for the purposes of an appeal." Article 8308-2.32(a) authorizes the commission to release "information in or derived from a claim file regarding an employee" to governmental agencies or regulatory bodies for various purposes.

prohibits the release of the employee's name if the commission released the name of the employee to this office.²

With respect to the remaining payee names, you have not indicated any statute or circumstances that would make these names confidential, nor are we aware of any statutes or circumstances making these names confidential. *See, e.g.,* Crime Victims Compensation Act, V.T.C.S. art. 8309-1; Family Code §§ 14.43, 14.80 *et seq.* (expedited process to establish or enforce support obligations under Title IV-D of the federal Social Security Act, 42 U.S.C. 651 *et seq.*); *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) (information may be withheld on common law privacy grounds only if it is both highly intimate or embarrassing *and* is of no legitimate concern to the public); Open Records Decision No. 339 (1982) (information identifying the victim of sexual assault protected by common law privacy). Accordingly, the remaining payee names must be released.

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 OR93-188.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GCK/le

Ref.: ID# 17253
ID# 17373
ID# 17418

cc: Mr. Frank R. Wilkeson
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(w/o enclosures)

²The commission's knowledge of the name of and other facts about a particular workers' compensation claimant will in almost all instances constitute "information in or derived from a [commission] claim file" regarding the employee.