



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 7, 1993

Mr. Thomas E. White
Hamilton County Attorney
P.O. Box 831
Hamilton, Texas 76531

OR93-292

Dear Mr. White:

You ask whether certain information is subject to required public disclosure under the Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19507.

The Hamilton County Hospital District (the "hospital district"), which you represent, has received a request for information relating to delinquent accounts due and owing to the hospital district. Specifically, the requestor seeks "a listing of all accounts written off as bad debts by the Hamilton County Hospital District within the last three (3) years including the amount of such account and the name and address of each person whose name the account is listed." In addition, the requestor seeks "a list of all delinquent accounts of the Hamilton County Hospital District that exist at the present time including the amount, name and address of each person owing such debt." You have submitted records that include the requested information to us for review.¹ You claim that the requested information is excepted from required public disclosure by section 3(a)(1) of the Open Records Act.

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 "highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person" and that are of no 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). The doctrine of constitutional privacy, on the other hand, involves a balancing of the individual's privacy interests against the public's need to know information of public concern. See Open Records Decision No. 455 (1987) at 5-7 (discussing case law). The constitutional right of privacy protects information relating to marriage, procreation, contraception, family relationships, and child rearing and education. Open Records Decision No. 447 (1986) at 4.

¹We assume for purposes of our ruling that these records are responsive to the request.

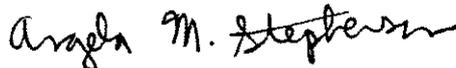
Generally, the public has an interest in knowing who owes money to a governmental body. *See* Open Records Decision Nos. 480 (1987) (student loan defaulters); 443 (1986) (city utility bill ledgers). Open Records Decision No. 385 (1983) dealt with records very similar to those you have asked us to review. In that case, this office ruled that records showing the names and account numbers of a public hospital's patients, along with the amount owed by each patient and the date the account became delinquent, were not excepted from disclosure by privacy doctrine. *See also* Open Records Decision No. 374 (1983) (names of physicians who received medicaid payments, and the amounts they are paid, are not excepted from disclosure by constitutional or common law privacy). Home addresses, phone numbers, and other such personally identifying information is not ordinarily protected by common law or constitutional privacy rights. *See, e.g.*, Open Records Decision Nos. 554 (1990); 506 (1988); 480, 478, 455 (1987).

We have reviewed the account records you submitted to us. The information contained in these records does not constitute the type of highly intimate facts protected by privacy doctrine. Moreover, like the records at issue in Open Records Decision No. 385, the public has a legitimate interest in information concerning debts owed to the hospital district. Accordingly, we conclude that the requested information may not be withheld from required public disclosure under either common law or constitutional privacy doctrine.

You also seek to withhold the requested information under section 3(a)(1) of the Open Records Act in conjunction with section 5.08(b) of the Medical Practices Act, article 4495b, V.T.C.S., which makes confidential "[r]ecords of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician." The records submitted to us for review do not appear to have been "created or maintained by a physician." We conclude, therefore, that these records are not made confidential by section 5.08(b) of the Medical Practices Act and may not be withheld from required public disclosure under section 3(a)(1) of the Open Records Act. Consequently, 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 contact this office.

Yours very truly,



Angela M. Stepherson
Assistant Attorney General
Opinion Committee

Ref.: ID# 19507
ID# 19941

Enclosures: documents submitted

cc: Mr. Damon Chumney
Route 3, Box 265
Evant, Texas 76525
(w/o enclosures)