



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 15, 1994

Honorable Bob Bullock  
Lieutenant Governor of Texas  
The Capitol  
Austin, Texas 78711-2068

OR94-241

Dear Lieutenant Governor Bullock:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 25935.

You have received a request for information relating to certain expenditures. Specifically, the requestor seeks "[c]opies of all documents related to direct expenditures of or reimbursements to Lieutenant Governor Bob Bullock in any of his capacities, for travel, food, lodging, and entertainment" from November 1990 to the present. You advise us that you have made most of the requested information available to the requestor. You claim, however, that some of the requested information, namely, personal credit card numbers, does not constitute a "public record" within the meaning of section 552.002 of the Government Code.

You contend that the personal credit card numbers are not public information, because they are issued as part of a private agreement between the credit card holders and the credit card company. Section 552.021 of the Government Code defines public information and provides as follows:

(a) Information is public information if, under a law or ordinance or in connection with the transaction of official business, it is collected, assembled, or maintained:

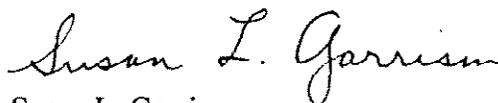
- (1) by a governmental body; or
- (2) for a governmental body and the governmental body owns the information or has a right of access to it.

Gov't Code § 552.021. The requested expenditure records on which the credit card numbers are contained were presumably created "in connection with the transaction of official business," *i.e.*, by virtue of expenditures made in the transaction of official business. Accordingly, we conclude that the requested information, including the personal credit card numbers, is public information subject to the Open Records Act.

We note, however, that while the requested expenditure records are subject to the Open Records Act, personal credit card numbers are "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," *see id.* § 552.101 (incorporating legal prohibitions against disclosure of information into Open Records Act), and thus may not be disclosed to the public, *see id.* § 552.352 (making it an offense to distribute confidential information). Section 552.101 of the Government Code protects information if its release would cause an invasion of privacy under the test articulated by the Texas Supreme Court in *Industrial Foundation v. Texas Industrial Accident Board*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Under *Industrial Foundation*, information may be withheld on common-law privacy grounds only if it is highly intimate or embarrassing and is of no legitimate concern to the public. Personal financial information, including sources of income, salary, mortgage payments, assets, medical and utility bills, social security and veterans benefits, retirement and state assistance benefits, and credit history, ordinarily satisfies the first requirement of common-law privacy, in that it constitutes highly intimate or embarrassing facts about the individual, such that its public disclosure would be highly objectionable to a person of ordinary sensibilities. Open Records Decision No. 373 (1983) at 3. We believe that a person's credit card number is also personal financial information protected by common-law privacy, in that it can be used to access the person's credit history and other personal financial information. Moreover, we believe that a person's credit card number is of no legitimate concern to the public. Accordingly, we conclude that section 552.101 of the Government Code excepts the personal credit card numbers from required public disclosure.

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,



Susan L. Garrison  
Assistant Attorney General  
Open Government Section

SLG/GCK/rho

Ref.: ID# 25935

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