



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 11, 1995

Mr. Roland Castaneda
General Counsel
Dallas Area Rapid Transit
Legal Department
P.O. Box 660163
Dallas, Texas 75266-7255

OR95-931

Dear Mr. Castaneda:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33242.

Dallas Area Rapid Transit ("DART") received an open records request for "copies of settlement agreements involving a dollar amount" that pertain to employee grievances and EEOC complaints against DART. You state that, except for two of the settlement agreements that have been sealed by court order, you have released to the requestor copies of the settlement agreements with the "names and cause numbers" deleted. You have raised no specific exceptions to required public disclosure with regard to any of the requested agreements. You have, however, requested an open records decision from this office pursuant to section 552.305 of the Government Code, which provides:

(a) In a case in which information is requested under this chapter and a third party's *privacy or property interests* may be involved, including a case under Section 552.101, 552.104, 552.110, or 552.114, a governmental body may decline to release the information for the purpose of requesting an attorney general decision.

(b) A person whose interests may be involved under Subsection (a), or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released.

(c) The governmental body may, but is not required to, submit its reasons why the information should be withheld or released. [Emphasis added.]

After reviewing the records at issue, it is unclear to this office as to why you would seek an open records decision pursuant to section 552.305. The settlement agreements contain no "highly intimate or embarrassing" information so as to evoke the protection of common-law privacy as incorporated into section 552.101 of the Government Code. See generally *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977); Open Records Decision No. 444 (1986) (public has legitimate interest in knowing reasons for dismissal, demotion, promotion, or resignation of public employees). See also Gov't Code § 552.022(3) (reflecting legislative intent that information regarding receipt or expenditure of public funds should ordinarily be available to public). Nor does the fact that the employees received a cash settlement implicate the types of commercial interest that section 552.110 is intended to protect.

Although you were correct in withholding the copies of the settlement agreements that have been sealed by court order, see Gov't Code § 552.107(2) (acknowledging confidentiality of information that a court has prohibited from being disclosed), there is no basis for withholding any portion of the remaining documents. DART therefore must release without delay all of the settlement agreements that have not been sealed by court order.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/RWP/rho

Ref.: ID# 33242

Enclosures: Submitted documents

cc: Mr. Curtis Howell
Reporter
The Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)