



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 3, 1995

Ms. Phoebe Knauer  
Director, Information Release  
Texas Employment Commission  
101 East 15th Street, Room 651  
Austin, Texas 78748

OR95-1171

Dear Ms. Knauer:

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# 30838.

The Texas Employment Commission ("TEC") has received a request from the Texas Guaranteed Student Loan Corporation ("TGSLC") for information relating to a former TEC employee, including the person's home address and telephone number. TGSLC seeks the information pursuant to its statutory obligation to guarantee and collect on defaulted student loans. *See generally* Educ. Code ch. 57. You seek a decision only with respect to the requested home address and telephone number and have made the remainder of the requested information available to the requestor. You ask whether section 552.117 of the Government Code excepts the home address and telephone number from required public disclosure.

In pertinent part, section 552.117 excepts from disclosure the home addresses and telephone numbers of all current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. You advise us that the TEC employee at issue here requested under section 552.024 that his home address and telephone number be kept confidential. Therefore, section 552.117 requires you to withhold this employee's home address and telephone number.

We understand that TGSLC seeks the information pursuant to section 57.49 of the Education Code. That provision requires, "[t]o the extent allowed by law, each agency and political subdivision of the state shall cooperate with [TGSLC] in attempts to collect on defaulted loans." Educ. Code § 57.49 (emphasis added). This statute, however, does

not on its face entitle TGSLC to request and obtain information that is excepted from disclosure under the Open Records Act. Indeed, section 57.49 requires cooperation only “[t]o the extent allowed by law.” As noted above, release of the requested home address and telephone number is not “allowed by law,” but is prohibited by section 552.117 of the Government Code. Ordinarily, when the language of a statute is unambiguous, it must be given effect without any attempt to construe it or interpret it. See *Lumberman’s Underwriters v. State Bd. of Ins.*, 502 S.W.2d 217 (Tex. Civ. App.--Austin 1973, writ ref’d n.r.e.); see also *City of Van Alstyne v. State*, 246 S.W.2d 671 (Tex. Civ. App.--Dallas 1952, writ ref’d n.r.e.). We conclude that the plain language of section 57.49 does not require TEC to make the requested information available to TGSLC.

Although it is well settled that confidential information may be transferred between governmental bodies without destroying its confidential nature, the information may only be transferred if the receiving agency has the authority to obtain it. Open Records Decision No. 516 (1989) at 5. In this case, the TGSLC does not appear to have the authority to obtain the requested information. Accordingly, TEC must withhold the requested home address and telephone number under section 552.117 of the Government Code.

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  
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Open Records Division

LRD/GCK/rho

Ref.: ID# 30838

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