



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1995

Mr. Gregory Hitt
Attorney at Law
1105 West 12th Street
Austin, Texas 78703

OR95-1335

Dear Mr. Hitt:

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# 36093.

The Travis County Housing Authority (the "authority"), which you represent, received an open records request for "a current listing of addresses of 'Section 8' tenants in Travis County." You contend that releasing the requested information implicates the privacy interests of individuals receiving Section 8 assistance because the information, "while not in itself sensitive, reveals information about the earnings of those individuals simply because individuals who qualify for Section 8 assistance must earn below certain amounts."

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including the common-law right of privacy. See *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). The names and addresses of individuals who occupy public housing are not protected by common-law privacy. See Open Records Decision Nos. 318 (1982), 268 (1981). Accordingly, we conclude the authority may not withhold the requested information on privacy grounds.

You also contend that the requested information may be confidential under the federal Privacy Act, 5 U.S.C. § 552a. However, you have not explained how the Privacy Act governs records held by the authority. See 5 U.S.C. §§ 552a(a)(1), 552(f). Absent such a demonstration, we cannot consider this argument.

Finally, you contend that because the authority is required to protect Section 8 recipients' "income information" it has received from the United States Department of Housing and Urban Development, it must also withhold the addresses of all the recipients. "Supplying the names and addresses of Section 8 recipients would be a de facto disclosure of income information obtained by the [HUD] form" We note, however, that information is not protected from disclosure under the Open Records Act simply because it might *indirectly* lead to disclosure of confidential information. See, e.g., Open Records Decision No. 408 (1984).

You have not demonstrated that the requested information is excepted from required public disclosure. Consequently, the authority must release the requested list of addresses in its entirety.

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,



Rebecca L. Payne
Assistant Attorney General
Open Records Division

RLP/RWP/rho

Ref.: ID# 36093

Enclosures: Submitted documents

cc: Windsor Park Neighborhood Association
c/o Ms. Marian O'Brien
1802 Rogge Lane
Austin, Texas 78723
(w/o enclosures)