



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 20, 1996

Ms. Rose-Michel Munguia
Legal Counsel, Business Services Division
General Services Commission
P.O. Box 13047
Austin, Texas 78711-3047

OR96-0739

Dear Ms. Munguia:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act. Your request was assigned ID# 39019.

The General Services Commission (the "GSC") received a request for documents concerning Cuevas Distribution and J.J. Burgoon Company, which apparently are sole proprietorships. You contend that portions of the requested documents are excepted from disclosure under section 552.101 and 552.107.¹ Responsive documents were submitted to this office for review.

You have marked one document as being excepted from disclosure pursuant to section 552.107(1). Section 552.107(1) protects information that reveals client confidences to an attorney or that reveals the attorney's legal advice. *See* Open Records Decision No. 574 (1990). We agree that the marked document contains client confidences and may be withheld from disclosure.

Section 552.101 of the Open Records Act excepts from disclosure information made confidential by law, either constitutional, statutory, or by judicial decision. Information is excepted under common-law privacy if the information is (1) highly intimate or embarrassing to a reasonable person and (2) of no legitimate public concern. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common-law privacy generally excepts from disclosure background financial information about individuals, such as the individual's

¹You asserted section 552.110, but argued that the information is excepted from disclosure under common-law privacy as incorporated in section 552.101.

overall financial status and financial history. *See* Open Records Decision Nos. 523 (1989) (credit reports and financial statements of veterans participating in Veterans Land Program constitutes background financial information); 373 (1983) (income, salary, assets, and credit history of grant applicant protected under common-law privacy). We agree that some of the financial information submitted to this office is protected from disclosure under common-law privacy.

We agree that other information at issue also must be withheld from disclosure. Some information at issue contains confidential federal income tax information. *See* Open Records Decision No. 600 (1992) at 8-9. We have marked the J.J. Burgoon Company documents as a sample to show the type of information that must be withheld from disclosure in the files submitted to this office.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 39019

Enclosures: Marked documents

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