



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 25, 1996

Ms. Marianna Hamilton
Executive Director
Denton Housing Authority
308 South Ruddell
Denton, Texas 76205

OR96-1011

Dear Ms. Hamilton:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40238.

The Denton Housing Authority (the "authority") received a request for a copy of "the names on the waiting list for housing [assistance] for the first two quarters." You have enclosed a copy of the waiting list for the "section 8 existing rental subsidy program as of April 30, 1996." You assert the authority may withhold the requested information based on the "litigation exception," section 552.103 of the Government Code. You also assert that the authority should not release the requested list due to various concerns you have for the individuals whose names appear on that list. You say that the release of the names would place the listed individuals at risk for harm due to the publication of their financial status as evidenced by their inclusion on the list. Furthermore, you state that the economic situations which cause persons to apply to our programs is sufficient evidence of the need for maintaining the list's confidentiality. Additionally, you explain that many of the listed persons are trying to escape hazardous situations and that the authority has several applicants who are former residents of the local shelter for abused women or are former clients of MHMR (Mental Health Mental Retardation).

The concerns you raise about the release of the list imply that you seek to withhold the list from disclosure based on section 552.101 of the Government Code in order to protect the privacy interests of the listed individuals. Section 552.101 of the Government Code protects from public disclosure information that is confidential by law, either constitutional, statutory, or by judicial decision. Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private

affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Based on the information you have provided this office, we conclude that the authority must withhold the requested information from public disclosure pursuant to section 552.101 of the Government Code in conjunction with the common-law right to privacy. *See Open Records Decision No. 169 (1977)* at 7.

We are resolving this matter with this 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 may 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,

Open Records Division

Ref.: ID# 40238

Enclosures: Submitted documents

cc: Mr. Rick Daniel
807 Oakland, # 3
Denton, Texas 76201
(w/o enclosures)