



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 14, 1996

Ms. Susan L. Wheeler
University Counsel
University of Houston
Houston, Texas 77204-2162

OR96-1875

Dear Ms. Wheeler:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101171.

The University of Houston (the "university") received a request for information concerning the expenditures by and budget for the university's public relations department. The requestor also sought payroll information concerning employees of the university who perform public relations work. You state that you have released responsive documents, but have redacted the portions that are protected by common-law privacy under section 552.101 of the Government Code. You also redacted information that you contend is excepted from disclosure pursuant to sections 552.024 and 552.117 of the Government Code.

The test to determine whether information is private and excepted from disclosure under the common-law right of privacy, which is encompassed in section 552.101 and section 552.102 of the Government Code, is whether the information is (1) highly intimate or embarrassing to a reasonable person and (2) of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977); *Hubert v. Harte-Hanks Texas Newspapers Inc.*, 652 S.W.2d 546 (Tex. App.-Austin 1983, writ ref'd n.r.e.). You submitted to this office records showing credit purchases made by employees with their credit cards and canceled checks showing account numbers. You state that the payroll records show employee participation in voluntary investment programs and deferred compensation programs. You contend that this type of information is private financial information that may not be disclosed.

In Open Records Decision No. 373 (1983), this office considered personal financial information and concluded:

all financial information relating to an individual -- including sources of income, salary, mortgage payments, assets, medical and utility bills, social security and veterans benefits, retirement and state assistance benefits, and credit history -- ordinarily satisfies the first requirement of common law privacy, in that it constitutes highly intimate or embarrassing facts about the individual, such that its public disclosure would be highly objectionable to a person of ordinary sensibilities.

Open Records Decision No. 373 (1983) at 3.

Information showing that an employee is participating in a program funded wholly or partly by the state constitutes information about a financial transaction between the employee and the governmental body that is not generally protected by common-law privacy. Open Records Decision No. 600 (1992) at 9. On the other hand, an employee's decision to enroll in optional insurance coverages, funded wholly by the employee, is information regarding a personal financial decision, and as such is confidential. *Id.* Similarly, information regarding a public employee's participation in optional deferred compensation plans involves a personal, private investment decision. Open Records Decision No. 545 (1990) at 3-4.

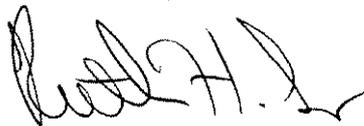
The information submitted that shows the actual checking account and credit card numbers of public employees is confidential information that must be withheld from disclosure. Also, the specific information that shows whether an employee is enrolled in a voluntary program paid for entirely by the employee must be withheld from disclosure.

Sections 552.024 and 552.117 of the Government Code provide that a public employee or official can opt to keep private his or her home address, home telephone number, social security number, or information that reveals that the individual has family members. You must therefore withhold this type of information pertaining to those employees or officials who, as of the time of the request for the information, had elected to keep this information private. Open Records Decision Nos. 530 (1989) at 5, 482 (1987) at 4, 455 (1987). Some of the canceled checks reveal home addresses and home telephone numbers that may be confidential. If the submitted telephone bills show home telephone numbers of public employees or officials, you should redact the home numbers of those individuals who have opted to keep the information private. Payroll records showing information made confidential under sections 552.024 and 552.117 should be redacted. We note that, to the extent that the requested payroll or insurance information shows that an employee or official has family members, this information may be confidential under sections 552.024 and 552.117.

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy".

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 101171

Enclosures: Submitted documents

cc: Mr. Scott E. Williams
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(w\o enclosures)