



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 7, 1997

Mr. David B. Casas
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR97-0734

Dear Mr. Casas:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 105063.

The City of San Antonio (the "city") received requests from the Medical Support Unit of the Texas Attorney General's Child Support Division for information relating to the city's employees. You inform us that although you will provide most of the requested information, the information requested in items 4 and 5 is protected from disclosure by section 552.117 of the Government Code as "it is information that reveals whether a current employee has family members." We have considered your assertion and reviewed the submitted information.

Section 552.117, in conjunction with section 552.024, excepts information from disclosure if it is information that relates to the home address, telephone number, or social security number, or that reveals family members of current or former employees of a governmental body who have elected, prior to the current open records request, to restrict access to this information. In item 4, the Medical Support Unit seeks information regarding the type of insurance policy an employee has, and item 5 asks the city to indicate whether an employee's named dependents are enrolled under the employee's health coverage plan.

A medical support order providing for health insurance for a child is a child support obligation and may be enforced as such. Fam. Code § 154.183(a). Section 154.185 of the Family Code states that the court shall order a parent providing health insurance to furnish to the Attorney General's Office, a Title IV-D agency, certain information, including proof that health insurance has been provided for the child and if the employer has health insurance available, the number of the policy, a copy of the policy and schedule of benefits, and any other information necessary to submit a claim. *Id.* § 154.185(a)(4), (5). The Child Support

Division may send a copy of the order requiring an employee to provide health insurance coverage for a child to the employer. *Id.* § 154.186. Upon receipt of the order, an employer shall provide to the sender a statement that the child (1) has been enrolled in a health insurance plan, or (2) cannot be enrolled in a health insurance plan and the reason why. *Id.* § 154.187(c). “On request, the employer shall release to the sender information concerning the available health insurance coverage, including . . . , the policy number [and] a copy of the policy and schedule of benefits. . . .” *Id.* § 154.187(e).

Section 231.302(a) of the Family Code entitles the Attorney General’s Office, as a Title IV-D agency, “to request and obtain information relating to the location, income, and property holdings of the person from a state or local government agency . . . as necessary to implement this chapter.” Fam. Code § 231.302(a). Section 231.302 further provides that a governmental agency shall provide the information in the most efficient and expeditious manner available, and that information collected by the Title IV-D agency may be used only for child support purposes. Fam. Code § 231.302(b), (f); *see also id.* § 231.108(a) (all files and records of services provided under chapter 231, including information concerning a parent and child, are confidential).

Although the information requested by the Medical Support Unit is deemed confidential under section 552.117 and may not be released to the public, we note that it is the well-settled policy of this state that state agencies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties. Attorney General Opinion H-683 (1975). The Open Records Act does not undercut that policy. Attorney General Opinion H-683 (1975). Confidential information may be transferred between state agencies without destroying its confidential character if the agency to which the information is transferred has authority to obtain the information. Open Records Decision No. 516 (1989). Here, the Medical Support Unit has statutory authority to obtain the requested information. Therefore, the city will not violate the privilege of confidentiality under section 552.117 or contravene the act by transferring such information to the Medical Support Unit because such interagency transfers of information are not considered “public” disclosures. Open Records Decision No. 468 (1987).

Accordingly, the city must provide the Medical Support Unit with the information requested in items 4 and 5. *See* Open Records Decision No. 516 (1989) (home addresses of peace officers must be provided to Attorney General’s Child Support Enforcement Office for its internal, confidential use; such interagency transfers of information are not considered “public” disclosures nor violations of privilege of confidentiality under predecessor to section 552.117). Such a disclosure is not a public release and the information collected may be used only for child support purposes. Fam. Code § 231.302(f). *See also id.* § 231.108(a), (c) (all files and records provided under chapter 231 are confidential, except information may be released for purposes directly connected with the administration of the child support, paternity determination, parent locator, or aid to families with dependent children programs).

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is written in a cursive style with some stylized flourishes.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 105063

Enclosures: Submitted documents

cc: Ms. Jennifer Larson
Office of the Attorney General
Medical Support Unit
P.O. Box 1328
Austin, Texas 78767-1328
(w/o enclosures)

