



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 28, 1997

Ms. Rebecca M. McLamore
Teacher Retirement System Of Texas
1000 Red River Street
Austin, Texas 78701-2698

OR97-1716

Dear Ms. McLamore:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 107631.

The Teacher Retirement System of Texas (the "TRS") received a request for information concerning six named individuals. Specifically, the requestor seeks the "accounting breakdown including how much money six named individuals contribute to TRS." You seek to withhold the requested information from required public disclosure the "account balance" information pursuant to section 825.507 of the Government Code in conjunction with section 552.101 of the Government Code. We have considered the arguments you have made and reviewed the submitted documents at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 825.507(a) of the Gov't Code provides in pertinent part:

(a) information contained in records that are in the custody of the retirement system concerning an individual member, retiree, annuitant, beneficiary, or alternate payee is confidential, and may not be disclosed in a form identifiable with specific information unless:

(1) the information is disclosed to:

(A) the individual or the individual's attorney, guardian, executor, administrator, conservator or other person who the executive director determines is acting in the interest of the individual or the individual's estate;

(B) a spouse or former spouse of the individual if the executive director determines that the information is relevant to the spouse's or former spouse's interest in member accounts, benefits, or other amounts payable by the retirement system;

(C) a governmental official or employee if the executive director determines that disclosure of the information requested is reasonably necessary to the performance of the duties of the official or employee; or

(D) a person authorized by the individual in writing to receive the information; or

(2) the information is disclosed pursuant to a subpoena and the executor director determines that the individual will have a reasonable opportunity to contest the subpoena.

(b) This section does not prevent the disclosure of the status or identity of an individual as a member, former member, retiree, deceased member or retiree, beneficiary, or alternate payee of the retirement system.

(c) The executive director may designate employees of the retirement system to make the necessary determinations under Subsection (a).

The information submitted to us for review falls within the confidentiality provision set forth in section 825.507 of Government Code. As none of the stated exceptions apply, we conclude that the submitted information must not be released. We note, however, that section 825.507(b) does allow you to disclose the status or identity of an individual as a member, former member, retiree, deceased member or retiree, beneficiary, or alternate payee of the retirement system. This "state" information is not protected by right of privacy, and may be released. Open Records Decision No. 600 (1992).

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/SAB/ch

Ref.: ID# 107631

Enclosures: Submitted documents

cc: Debbie Bartholomew
4820 13th Street
Lubbock, Texas 79416
(w/o enclosures)

