



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 17, 1997

Mr. William S. Nail
General Counsel
Employees Retirement System of Texas
P.O. Box 13207
Austin, Texas 78711-3207

OR97-2079

Dear Mr. Nail:

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# 108847.

The Employees Retirement System of Texas ("ERS") received a request for various information concerning the receipt of pensions by certain elected officials. You state that certain information requested is excepted from required public disclosure based on section 552.101 of the Government Code in conjunction with section 815.503 of the Government Code. You have submitted representative samples of the information ERS seeks to withhold from the requestor.¹

Section 552.101 of the Government Code excepts from required public disclosure information that is deemed confidential by law, including information that is made confidential by statute. Government Code section 815.503 reads as follows:

Records of members and beneficiaries under retirement plans administered by the retirement system that are in the custody of the system are considered to be personnel records and are required to be treated as confidential information under Section 552.101.

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You have submitted to this office copies of ERS annuity computer inquiries. We agree that section 815.503 applies to the submitted information. Consequently, ERS must not release the information to the requestor. Gov't Code § 552.101.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. With regard to future requests to ERS for copies of ERS annuity computer inquiries, you may consider this ruling a previous determination under section 552.301(a) of the Government Code and need not request determinations from this office. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KH/rho

Ref.: ID# 108847

Enclosures: Submitted documents

cc: Mr. Andrew Wheat
Texans for Public Justice
609 West 18th Street, Suite E
Austin, Texas 78701
(w/o enclosures)

Ms. Sandra C. Joseph
Open Records Counsel/Disclosure Officer
Comptroller of Public Accounts
111 East 17th Street, LBJ State Building
Austin, Texas 78774-0100
(w/o enclosures)