



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 13, 1997

Mr. Donald W. Allee  
Attorney at Law  
Law Offices of Donald W. Allee  
918 W. Nolana  
Pharr, Texas 78577

OR97-2276

Dear Mr. Allee:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 109925.

The Housing Authorities of the cities of Pharr and Alamo (the "housing authorities"), which you represent, received requests for

1. List of Properties approved by the [housing authority] for participation in the Section 8 program and any other rental housing program offered by the [housing authority] and the date when the properties were first approved for participation.
2. List of the owners of each of the properties.
3. The amount of rental money the owners of each of the properties receives via Housing Authority vouchers, checks, etc. for each of the properties on either a weekly, monthly or yearly basis.
4. Review of the last inspection report conducted by the [housing authority] on each of the properties, containing findings and recommendations.

You state that the housing authorities do not take a position on whether the requested information is public or confidential. However, you have submitted representative samples of information which appears to be responsive to item 4 of the request, and ask this office to determine whether it implicates the privacy interests of tenants or owners of property.<sup>1</sup>

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<sup>1</sup>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). This open

Initially, we address your assertion that responding to requested items 1-3 would require the housing authorities to compile the requested information from housing authority records because the information is not contained in specific documents. A governmental body must make a good faith effort to relate a request to information which it holds. Open Records Decision Nos. 561 (1990), 555 (1990). Thus, if the housing authorities are able to identify documents in their possession from which the requestor could ascertain the information sought, the housing authorities must provide the requestor with those documents. As for your concern that responding to the request would require the housing authorities to "compile" the information, we note that chapter 552 of the Government Code gives the requestor access to all responsive information that is subject to required public disclosure.<sup>2</sup> Of course, the housing authorities may require the requestor to post bond for or prepay the costs of responding to these requests. See Gov't Code § 552.263.

We now address your question whether the information which you submitted for our review is protected from disclosure by privacy. Section 552.101 excepts from required public disclosure information considered to be confidential by law, including information made confidential by judicial decision. This exception applies to information made confidential by the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). 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 *id.* We have examined the submitted information and conclude that it is not protected from disclosure under common-law privacy. See Open Records Decision No. 318 (1982) (names and address of individuals who occupy public housing are not protected by common-law privacy). Additionally, we are not aware of any law that makes the submitted information confidential, nor do you raise any such statute. Accordingly, we conclude that the housing authorities may not withhold from disclosure the submitted information based on section 552.101 of the Government Code.

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.

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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.

<sup>2</sup>We note that you have provided this office, for informational purposes, a sample form which appears to be a representative compilation of the requested information.

Yours very truly,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/alg

Ref.: ID# 109925

Enclosures: Submitted documents

cc: Ms. Emma Perez-Treviño  
The Monitor  
1101 Ash  
McAllen, Texas 78501  
(w/o enclosures)

