



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 27, 1998

Mr. David W. Myers  
Executive Director  
Texas Commission for the Deaf  
and Hard of Hearing  
P.O. Box 12904  
Austin, Texas 78711

OR98-2059

Dear Mr. Myers:

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# 117666.

The Texas Commission for the Deaf and Hard of Hearing (the "commission") received an open records request for the names, addresses, and telephone numbers of individuals who have been sent vouchers under the Specialized Telecommunications Devices Assistance Program. You explain that the commission

administers a program to provide telecommunications devices for the deaf (TDD) through the provision of a voucher to qualified individuals who are deaf, hard of hearing or speech impaired. An individual who requires such a device must complete an application and submit the application and pay an application fee of \$35.00 to the Commission. The Commission then processes the application and, if the individual is qualified, provides a voucher to the individual, who may then redeem the voucher for an appropriate device. The vouchers are redeemed through vendors who are registered with the Public Utility Commission. The requestor is such a vendor and desires the information for the purpose [of] advertising to voucher recipients.

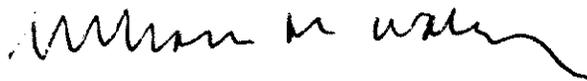
You first suggest that because each of the individuals who are sent vouchers by the commission are considered "disabled" within the definition contained in the Americans with Disabilities Act (the "ADA"), 42 U.S.C. § 12101 *et seq.*, the requested information may be confidential under that federal law. You have not, however, directed this office to any confidentiality provision in that statute that would restrict the release of the requested

information, nor is this office aware of any such provision. Absent a demonstration that such a provision exists, the commission may not withhold the requested information pursuant to the ADA.

You also contend that the requested information is protected by the common-law right of privacy as encompassed by section 552.101 of the Government Code, which excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The requested information does not comport with this standard. *See* Open Records Decision No. 475 (1987) (copy enclosed). Accordingly, we conclude that the information at issue here may not be withheld on privacy grounds.<sup>1</sup> The commission therefore must release the requested information.<sup>2</sup>

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,



William M. Walker  
Assistant Attorney General  
Open Records Division

WMW/RWP/ch

Ref.: ID# 117666

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<sup>1</sup>Although you also specifically inquire as to whether the voucher recipients' social security numbers must be released to the requestor, we note that this information has not been requested. Because the social security numbers do not come within the ambit of the open records request, we need not address whether they must be released in this instance.

<sup>2</sup>Section 552.228(a) of the Government Code requires that the public be provided with a "suitable copy" of requested information. Section 552.228(b) provides that "[i]f public information exists in an electronic or magnetic medium, the requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape." Additionally, section 552.228(c) provides that "[i]f a governmental body is unable to comply with a request to produce a copy of information in a requested medium for any of the reasons described by this section, the governmental body shall provide a paper copy of the requested information or a copy in another medium that is acceptable to the requestor." All questions regarding the costs of supplying requested information should be referred to the General Services Commission at (512) 475-2497.

Enclosures: Submitted documents  
Open Records Decision No. 475

cc: Mr. Frank Walsh  
Rosie's TTY Sales, L.L.C.  
P.O. Box 5631  
Austin, Texas 78763-5631  
(w/o enclosures)