



October 12, 1999

Mr. Scott Fawcett  
Legal Counsel  
Comptroller of Public Accounts  
Open Records Division  
P.O. Box 13528  
Austin, Texas 78711-3528

OR99-2917

Dear Mr. Fawcett:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129385.

The Comptroller of Public Accounts (the "Comptroller") received a request for "the names and last known addresses of bank account or certificate of deposit holders whose accounts or certificates have been reported by Bank United, N.A. to the Comptroller of Public Accounts as being unclaimed under the Unclaimed Property Act, Chapters 72-75 of the Texas Property Code" for the last five to seven years. The requestor later clarified that he was interested in the following types of property: AC01, AC02, AC03, TR03, TR04, CK01, CK02, CK03, Ck07, CK08, CK15, and CK16. You advise that the requested names and addresses are public, and that the property types reported more than two years ago are also public. You contend, however, that the property types reported within the past two years are made confidential by section 552.101 of the Government Code in conjunction with section 74.104 of the Property Code, and that therefore the Comptroller may not release the requested names and addresses associated with such property types.

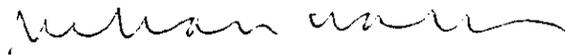
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 74.104 of the Property Code provides as follows:

(b) Notwithstanding any other provision of law, the social security number of an owner that is reported to the State Treasurer is confidential.

The requested names and addresses for all reporting years are specifically made public pursuant to sections 74.201 and 74.307. We find no provision for release of the reported property types for report information for the past two years. Therefore, the property types reported within the past two years are confidential under section 74.104. We also agree that where, as here, a request is for names and addresses associated with a specified type of property, the names and addresses associated with such property types reported in the past two years must be withheld. The remaining responsive information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. Pursuant to section 552.301 of the Government Code, the comptroller may rely on this ruling as a "previous determination" concerning the confidentiality of property types reported to the Comptroller under the section 74.101 of the Property Code until the second anniversary of the date of filing of the report. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ljp

Ref: ID# 129385

Encl. Submitted documents

cc: Mr. E. Steve Watson  
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(w/o enclosures)