



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 27, 2009

Ms. Margo M. Kaiser  
Staff Attorney  
Texas Workforce Commission  
101 East 15th Street  
Austin, Texas 78778-0001

OR2009-05503

Dear Ms. Kaiser:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 341142 (TWC Tracking Number 090205-051).

The Texas Workforce Commission (the "commission") received a request for information related to civil rights and labor law complaints and violations against two named companies for the last ten years. You state the commission will provide the requestor with a portion of the requested information and will redact social security numbers pursuant to section 552.147 of the Government Code.<sup>1</sup> You state you are withholding unemployment compensation information pursuant to section 301.085(c) of the Labor Code. *See* Labor Code § 301.085 (stating unemployment compensation information is not public information subject to the Act). You claim portions of the submitted information are excepted from disclosure under sections 552.101, 552.136, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.<sup>2</sup>

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<sup>1</sup>Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

<sup>2</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 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

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by the doctrine of common-law privacy, which protects information if (1) the information contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). This office has found that financial information relating only to an individual ordinarily satisfies the first requirement of the test for common-law privacy, but that there is a legitimate public interest in the essential facts about a financial transaction between an individual and a governmental body. *See* Open Records Decision Nos. 545 at 4 (1990) (attorney general has found kinds of financial information not excepted from public disclosure by common-law privacy to generally be those regarding receipt of governmental funds or debts owed to governmental entities), 523 (1989) (information related to an individual's mortgage payments, assets, bills, and credit history is excepted from disclosure under the common law right to privacy). The commission asserts the marked information pertaining to individuals' wages is confidential under common-law privacy. Upon review, we agree the wage information you have marked, as well as the additional wage information we have marked, is confidential under common-law privacy and must be withheld under section 552.101 of the Government Code.

Next, you raise section 552.136 of the Government Code, which states "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136(b). We note that check numbers, federal tax identification numbers, and commission account numbers do not constitute access devices for purposes of section 552.136. Therefore, the commission may not withhold these numbers under section 552.136. However, the bank account and routing numbers we have marked must be withheld under section 552.136 of the Government Code.

You also raise section 552.137 of the Government Code, which excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See id.* § 552.137(a)-(c). The e-mail addresses at issue are not of a type specifically excluded by section 552.137(c). Therefore, the commission must withhold the e-mail addresses you have marked, as well as the additional e-mail addresses we have marked, under section 552.137 unless the commission receives consent for their release.

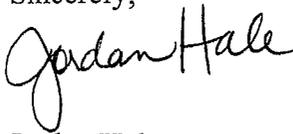
In summary, the commission must withhold the wage information you have marked, and the additional wage information we have marked, under section 552.101 of the Government Code in conjunction with common-law privacy. The bank account and routing numbers we have marked must be withheld under section 552.136 of the Government Code. The

commission must withhold the marked e-mail addresses under section 552.137 of the Government Code, unless the commission receives consent for their release. The remaining information must be released to the requestor.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in cursive script that reads "Jordan Hale".

Jordan Hale  
Assistant Attorney General  
Open Records Division

JH/jb

Ref: ID# 341142

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)