



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 23, 2009

Ms. Sandy Poel  
Public Information Officer  
~~Texas Guaranteed Student Loan Corporation~~  
P.O. Box 83100  
Round Rock, Texas 78683-3100

OR2009-08595

Dear Ms. Poel:

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# 346906.

The Texas Guaranteed Student Loan Corporation ("the corporation") received a request for "any type of annual financial disclosures" signed by the corporation's appointed board members. You state that you have released most of the responsive information to the requestor, but claim that a portion of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses the doctrine of common-law privacy, which protects information that (1) contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person and (2) is not of legitimate concern to the public. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). The types of information considered intimate and embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical

abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683.

In addition, this office has found that personal financial information that relates only to an individual ordinarily satisfies the first element of the common-law privacy test, but the public has a legitimate 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 at 4 (1989) (noting distinction under common-law privacy between confidential background financial information furnished to public body about individual and basic facts regarding particular financial transaction between individual and public body), 373 at 4 (1983) (determination of whether public's interest in obtaining personal financial information is sufficient to justify its disclosure must be made on case-by-case basis).

~~We have marked the information that must be withheld under section 552.101 of the Government Code in conjunction with common-law privacy. However, we find that there is a legitimate public interest in the remaining financial information at issue. The submitted financial disclosure statement is completed by members of the corporation's board of directors who make significant decisions regarding the corporation. These statements could provide information about potential conflicts of interest between a decision-maker's personal financial investments and the interests of the corporation. *See* Attorney General Opinion H-15 (1973) ("the public does have a legitimate interest in the current financial condition and recent financial history of those of its servants who are in positions of authority where the temptation to improperly exercise public discretion for private gain may coincide with the opportunity to do so") (emphasis in original); *cf.* H-1070 (1977) (high-ranking city officials' financial disclosure statements not *per se* protected by common-law privacy). Accordingly, we conclude that the corporation may not withhold any of the remaining information at issue under section 552.101 of the Government Code in conjunction with common-law privacy.~~

~~In summary, the corporation must withhold the information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy. The remaining information must be released.~~

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,



Pamela Wissemann  
Assistant Attorney General  
Open Records Division

PFW/jb

Ref: ID# 346906

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)