



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 11, 2010

Ms. Ann Marie Lee, CPA
Henderson County Auditor
100 East Tyler Street, Room 300
Athens, Texas 75751

OR2010-03530

Dear Ms. Lee:

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# 372297.

The Henderson County Auditor's Office (the "county") received a request for unredacted versions of documents that were previously released to the requestor in redacted form in response to a prior request for information. In the prior request, the requestor sought (1) records related to the payment of expenses for continuing legal education for a named individual, including expenses related to that individual's attendance at a specified lodge, (2) records related to amendments for the 392nd District Court's budget, and (3) records related to any compensation paid to the named individual for service on the Henderson County Juvenile Board during a specified time period. You inform us that in responding to the prior request, the county released all responsive information with certain information redacted pursuant to section 552.024 of the Government Code and credit card numbers redacted pursuant to Open Record Decision No. 684 (2009).¹ We understand that the county also redacted information that was not responsive to the prior request, which consisted of

¹Section 552.024(c) of the Government Code authorizes a governmental body to redact, without the necessity of requesting a decision from this office, the home address, home telephone number, social security number, and family member information of a current or former employee who properly elected to keep this information confidential. Gov't Code § 552.024(c). Additionally, this office recently issued Open Records Decision No. 684, a previous determination to all governmental bodies, which authorizes withholding of ten categories of information, including a credit card number under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

credit card purchases by the named individual that were unrelated to any financial transaction concerning the county.

You indicate that in response to the present request, the county has released some of the requested information with redactions made pursuant to section 552.024 of the Government Code. *See* Gov't Code § 552.024(c). You also indicate you have redacted some credit card numbers from the released documents pursuant to Open Record Decision No. 684. You claim that portions of the submitted information, which you indicate were not responsive to the prior request, are excepted from disclosure under section 552.109 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that the requestor has agreed to the redaction of credit card numbers from the documents at issue. Thus, any credit card numbers in the information at issue are not responsive to the instant request, and they need not be released. We have marked the nonresponsive credit card numbers in the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."² *Id.* § 552.101. Section 552.101 encompasses common-law privacy, which protects information if it (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. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). This office has found that information that reflects an individual's personal financial decisions and is not related to a financial transaction between the individual and a governmental body is protected by common-law privacy. *See* Open Records Decision Nos. 600 (1992), 545 (1990). Upon review, we conclude that the information we have marked reflects personal financial decisions and does not involve a financial transaction between the individual at issue and a governmental body. Therefore, the information we have marked must be withheld under section 552.101 in conjunction with common-law privacy.³ 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.

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

³As our ruling is dispositive of this information, we need not address your argument under section 552.109 of the Government Code.

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, 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, toll free, at (888) 672-6787.

Sincerely,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 372297

Enc. Submitted documents

c: Requestor
(w/o enclosures)