



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 14, 2010

Mr. Jeffrey T. Pender
Deputy General Counsel
Texas Department of Housing and Community Affairs
P.O. Box 13941
Austin, Texas 78711-3941

OR2010-10417

Dear Mr. Pender:

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# 386889.

The Texas Department of Housing and Community Affairs (the "department") received a request for the addresses of all Section 8 housing choice vouchers and all project-based vouchers administered by the department in Galveston County. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

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. You state the department administers the United States Department of Housing and Urban Development's ("HUD") Section 8 housing voucher program. You inform us the department received a notice from the United States Department of Energy ("DOE") stating DOE considers the names and addresses of individuals assisted under its

¹We assume 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 office.

weatherization programs to be confidential under federal law. You state that after receiving the present request for information, you contacted HUD to find out whether HUD has a confidentiality policy regarding Section 8 voucher recipients similar to DOE's policy toward weatherization grant recipients. You further state you have not yet received an answer to this question. You assert if HUD does express agreement with DOE's confidentiality policy, then the requested information is confidential by law. However, as you acknowledge, HUD has not informed the department of any confidentiality policy regarding the addresses of voucher recipients. Furthermore, you have not directed our attention to any other confidentiality provision, nor are we aware of any, that would make the information at issue confidential under section 552.101. *See, e.g.*, Open Records Decision Nos. 611 at 1 (1992) (common-law privacy), 600 at 4 (1992) (constitutional privacy), 478 at 2 (1987) (statutory confidentiality). We, therefore, conclude the department may not withhold the requested information under section 552.101 of the Government Code. As you raise no other argument against disclosure, you must release the requested information.

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, 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,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/tp

Ref: ID# 386889

Enc. Submitted documents

c: Requestor
(w/o enclosures)