



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 21, 2010

Ms. Barbara M. Adan
Records Management Officer
Bexar Appraisal District
P.O. Box 830248
San Antonio, Texas 78283-0248

OR2010-10857

Dear Ms. Adan:

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# 387434.

The Bexar County Appraisal District (the "district") received a request for the 2009 bond compliance reports for Berrendo Square Apartments, Villages at Lost Creek, and Paseo Pointe Apartments. You state the district has released the reports to the requestor with the residents' names and apartment numbers redacted. You claim the residents' names and apartment numbers are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted reports.

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 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. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. This office has found personal financial information not relating to a financial transaction between an individual and a governmental body is generally intimate or embarrassing. *See Open Records Decision No. 545* (1990). The submitted reports contain the annual income of residents in specified apartment complexes and their rent payment amounts. The reports do not reflect that these residents are engaged in financial transactions with a governmental body. We find this personal financial

information to be of no legitimate public interest. Therefore, this information is generally subject to common-law privacy. You inform us, however, that the district has released the reports, including the personal financial information, to the requestor with redactions of the residents' names and apartment numbers. We note that names and addresses of individuals are generally not highly intimate or embarrassing. Thus, the residents' names and addresses ordinarily would not be subject to common-law privacy. *See* Open Records Decision No. 455 at 7 (1987) (names and addresses are not protected by privacy). In this instance, however, the residents' annual incomes and rent payment amounts have already been released. Therefore, to protect the residents' privacy, the district must withhold their names and apartment numbers under section 552.101 of the Government Code in conjunction with common-law privacy.¹

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,



Jessica Eales
Assistant Attorney General
Open Records Division

JCE/em

¹As our ruling is dispositive, we need not address your remaining argument under constitutional privacy.

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Enc. Submitted documents

c: Requestor
(w/o enclosures)