



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 5, 2011

Ms. Ruth H. Soucy  
Deputy Counsel for Public Records  
Texas Comptroller of Public Accounts  
P.O. Box 13528  
Austin, Texas 78711

OR2011-09420

Dear Ms. Soucy:

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# 423475 (Comptroller ID No. 7166175114).

The Texas Comptroller of Public Accounts (the "comptroller") received a request for the zip codes of all individuals whose information was exposed in a specified security breach. You claim the requested information is excepted from disclosure pursuant to section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

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. This section encompasses information protected by other statutes. You state the submitted information is confidential pursuant to sections 811.010 and 821.010 of the Government Code and section 301.086 of the Labor Code. Sections 811.010 and 821.010 of the Government Code require the Employees Retirement System ("ERS")

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<sup>1</sup>We assume that the "representative sample" of information 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.

and the Teacher Retirement System (“TRS”), respectively, to provide the comptroller the name, address, social security number, and date of birth of each member, retiree, and beneficiary from each retirement system’s respective records for the purpose of assisting the comptroller in the identification of persons entitled to unclaimed property reported to the comptroller. *See id.* §§ 811.010(a), 821.010(a). Section 301.086 of the Labor Code requires the Texas Workforce Commission (“TWC”) to provide the comptroller the name, address, social security number, and date of birth of individuals about whom TWC has such information in its records for the purpose of assisting the comptroller in the identification of persons entitled to unclaimed property. *See* Labor Code § 301.086(a). Information provided to the comptroller under these sections is confidential and may not be disclosed to the public. *See* Gov’t Code §§ 811.010(b), 821.010(b); Labor Code § 301.086(b).

You state the zip codes at issue were provided to the comptroller by ERS, TRS, and TWC under sections 811.010(a) and 821.010(a) of the Government Code and section 301.086(a) of the Labor Code, respectively. You indicate the zip codes at issue are part of the address information submitted in accordance with these sections to help identify the owners of unclaimed property. Thus, we conclude the comptroller must withhold the requested information under section 552.101 of the Government Code in conjunction with sections 811.010(b) and 821.010(b) of the Government Code and section 301.086(b) of the Labor Code.

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

Sincerely,



Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/dls

Ref: ID# 423475

Enc. Submitted documents

c: Requestor  
(w/o enclosures)