



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 28, 2017

Ms. Akilah Mance
Counsel for the City of Jersey Village
Olson & Olson, L.L.P.
2929 Allen Parkway, Suite 2300
Houston, Texas 77019

OR2017-26974

Dear Ms. Mance:

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# 685507 (Ref: JV17-007/PIR# 165).

The City of Jersey Village (the "city"), which you represent, received a request for information pertaining to homes that have flooded and may be eligible for assistance from the Federal Emergency Management Agency ("FEMA"). You state the city has released some information to the requestor. You also state the city will redact certain information, including insurance policy numbers, pursuant to section 552.136(c) of the Government Code.¹ You claim 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.

Initially, we note the requestor has excluded from his request personal information, telephone numbers, e-mail addresses, social security numbers, and driver's license numbers in the requested information. Accordingly, such information is not responsive to the present

¹Section 552.136 of the Government Code permits a governmental body to withhold the information described in section 552.136(b) without the necessity of seeking a decision from this office. *See* Gov't Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e).

request for information. The city need not release non-responsive information in response to this request, and this ruling will not address such 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.” Gov’t Code § 552.101. This section encompasses information protected by other statutes, such as section 552a of title 5 of the United States Code, also known as the Federal Privacy Act. We note this office has stated in numerous opinions that information in the possession of a governmental body of the State of Texas is not confidential or excepted from disclosure merely because the same information is or would be confidential in the hands of a federal agency. *See, e.g.*, Attorney General Opinion MW-95 (1979) (concluding that neither the federal Freedom of Information Act nor the federal Privacy Act applies to records held by state or local governmental bodies in Texas). However, this office has also held that section 552.101 requires a local governmental entity that has obtained information from a federal agency to respect confidentiality imposed on the information by federal law. *See* Open Records Decision No. 561 (1990).

The Privacy Act provides in part “[n]o [federal] agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure would be” allowed by one of twelve enumerated exceptions. 5 U.S.C. § 552a(b).

You state the information at issue pertains to the allocation of federal funds under the Individual Assistance Program and Public Assistance Program (collectively, “the programs”), which are federal benefit programs. You state the city has an agreement with FEMA to administer the programs. You explain the city maintains the submitted information at the direction of FEMA due to its participation in the programs, and pursuant to the city’s agreement with FEMA, the city is required to maintain the privacy of this information pursuant to the Privacy Act. We therefore find the submitted information is confidential pursuant to the Privacy Act. Further, you state the requestor does not have written consent for release of any of the information at issue, and none of the exceptions of the Privacy Act apply. Therefore, the submitted information must be withheld under section 552.101 of the Government Code in conjunction with federal law.

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.texasattorneygeneral.gov/open/>

[orl_ruling_info.shtml](#), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "KH", written over a light blue horizontal line.

Kieran Hillis
Assistant Attorney General
Open Records Division

KH/sb

Ref: ID# 685507

Enc. Submitted documents

c: Requestor
(w/o enclosures)