



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

October 8, 2019

Ms. Barbara Boulware-Wells  
Counsel for the City of Ranger  
The Knight Law Firm, LLP  
223 West Anderson Lane, Suite A-105  
Austin, Texas 78752

OR2019-28262

Dear Ms. Boulware-Wells:

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# 789917.

The City of Ranger (the "city"), which you represent, received a request for four categories of information related to water credits given by the city during a particular period of time. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.136 of the Government Code. You also state you notified three individuals of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from one of the notified individuals.<sup>1</sup> We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the requestor only seeks the name on the account, the date of credit, the amount of the credit, and the reason for the credit. Thus, the portions of the submitted information that do not pertain to these categories, including the account number and account address, are not responsive to the present request. This ruling does not address the

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<sup>1</sup> As of the date of this letter, we have not received comments from either remaining notified individual explaining why any portion of the submitted information should not be released to the requestor.

public availability of the non-responsive information, and the city need not release it in response to this request.<sup>2</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.” *Id.* § 552.101. Section 552.101 encompasses the doctrine of common-law privacy. Common-law privacy 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. *Industrial Found. v. Texas 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 established. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. Additionally, this office has found personal financial information not relating to a financial transaction between an individual and a governmental body is generally private. *See* Open Records Decision Nos. 600 (1992) (employee’s designation of retirement beneficiary, choice of insurance carrier, election of optional coverages, direct deposit authorization, forms allowing employee to allocate pretax compensation to group insurance, health care or dependent care), 523 (1989) (common-law privacy protects credit reports, financial statements, and other personal financial information), 373 (1983) (sources of income not related to financial transaction between individual and governmental body protected under common-law privacy). Whether the public’s interest in obtaining personal financial information is sufficient to justify its disclosure must be determined on a case-by-case basis. *See* ORD 373. We also note an individual’s name, education, prior employment, and personal information are not ordinarily private information subject to common-law privacy. *See* Open Records Decision Nos. 554 (1990), 448 (1986). We note the responsive information pertains to financial transactions between individuals and the city. Upon review, the city and the notified individual have failed to demonstrate the responsive information is highly intimate or embarrassing and of no legitimate public interest. Thus, the city may not withhold any of the responsive information under section 552.101 of the Government Code in conjunction with common-law privacy. The city must release the responsive 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable

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<sup>2</sup> As we are able to make this determination, we need not address the arguments against disclosure of this information.

charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Groff". The signature is fluid and cursive, with the first name "Erin" and last name "Groff" clearly distinguishable.

Erin Groff  
Assistant Attorney General  
Open Records Division

EMG/gw

Ref: ID# 789917

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

c: Third Parties  
(w/o enclosures)