



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

September 28, 1990

Mr. Jim Howell
Staff Attorney
State Treasury Department
P.O. Box 12608, Capitol Station
Austin, Texas 78711

OR90-458

Dear Mr. Howell:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10408.

The Texas State Treasury Department (the Treasury) received an open records request for the social security numbers of 100 missing owners of unclaimed funds held by the Treasury. You contend that the requested information is deemed confidential by section 74.307 of the Property Code, Public Law 93-579, § 7 (reprinted at 5 U.S.C., § 552a, note), and the common law right to privacy as recognized by the Texas supreme court in Industrial Found. of the South v. Texas Indus. Accident Bd., 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U.S. 930 (1977). You also contend that social security numbers constitute "financial information" that comes under the protection of section 3(a)(10) of the Open Records Act.

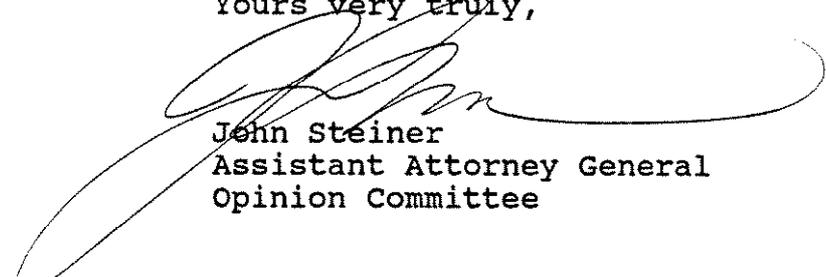
A previous determination of this office, Open Records Decision No. 169 (1977) at 7-8, a copy of which is enclosed, resolves your request in part. Social security numbers come under the protection of neither federal law nor the common law right to privacy. Further, we note that although section 74.307 of the Property Code requires the disclosure of the names and addresses of owners of unclaimed property, the statute in no way implies that the owners' social security numbers are confidential.

Section 3(a)(10) of the Open Records Act excepts from required public disclosure, inter alia, "financial information obtained from a person and privileged or confidential by statute or judicial decision." Section 3(a)(10) was designed to protect the proprietary interests of third

parties in certain types of sensitive financial information the disclosure of which cause substantial harm to those parties' competitive position. See generally National Parks and Conservation Association v. Morton, 498 F.2d 765, 770 (D.C. Cir. 1974). Section 3(a)(10) was not intended to protect information such as social security numbers. Consequently, the Treasury may not withhold the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-458.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/RWP/le

Ref.: ID# 10408
ID# 10441

Enclosures: Open Records Decision No. 169

cc: Pat Kruse
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