



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

January 18, 1991

Mr. Bob E. Bradley
Executive Director
State Board of Public Accountancy
1033 LaPosada, Suite 340
Austin, Texas 78752-3892

OR91-034

Dear Mr. Bradley:

You received a request under the Texas Open Records Act, article 6252-17a, V.T.C.S., from John Bird of Wishlist for information relating to all licensed accountants in Texas. You referred this matter to this office by a letter which we have designated ID# 9361.

Mr. Bird requested the following information regarding all licensed accountants: name, current address, license number, date of birth, date of licensing, school attended, place of employment, firm, office address, and telephone numbers. He also asked to have the information on magnetic media.

You are willing to provide a list of all licensees showing names, addresses, dates of certification, and certificate numbers. You have refused access to the rest of the information based on section 25 of article 41a-1, V.T.C.S., the Public Accountancy Act. Section 25 provides as follows:

Any file maintained or information gathered or received by the board from a third party concerning a candidate, licensee, or former licensee shall be available for inspection by that candidate, licensee, or former licensee during normal business hours at the offices of the board in Austin. A candidate, licensee, or former licensee by written communication may authorize the board to make any information gathered or received by the board from a third party . . . available for inspection . . . Except upon such written authorization, all information received or gathered by the board concerning

the qualifications of any licensee or candidate to register as a public accountant or to receive a certificate as a certified public accountant and all information received or gathered by the board concerning a disciplinary proceeding against a licensee or an applicant to take the uniform CPA examination under Section 22 of this Act prior to a public hearing on the matter shall be confidential and shall not be subject to disclosure under [the Open Records Act]. (Emphasis added.)

Section 12 of the Public Accountancy Act states the qualifications for certification as a "Certified Public Accountant." Qualifications include United States citizenship or residence in Texas for a certain time period, an age of at least 18, good moral character, specified requirements of education and experience, and a passing grade on each subject on the uniform CPA examination. See also Open Records Decision No. 367 (1983) (applicant's scholastic records, examination scores, work experience, and memoranda commenting on his eligibility constitute information concerning qualifications of any licensee or candidate).

Of the information that Mr. Bird has requested about licensed applicants, only the date of birth and the school attended constitute "information . . . concerning the qualifications of any licensee or candidate." Accordingly, section 25 of article 41a-1 requires you to withhold the date of birth and the school attended. You may not withhold the date of licensing, place of employment, firm, office address, or telephone number.

The Open Records Act requires the officer for public records to produce public information for inspection or duplication, or both. V.T.C.S. art. 6252-17a, § 4. Open Records Decision No. 352 (1982) dealt with a request for information on magnetic tape. It stated that if the computer tape could provide the requestor with the information in question without revealing confidential information, the agency must provide the requestor with a duplicate of the tape. If, however, some of the information had to be withheld because it was confidential, the agency could make the information available in a form, such as an edited computer printout, that protected the confidential information. This reasoning applies to the request in this case. Accordingly, if your magnetic tape records confidential as well as public information, you need not

make a copy of the tape but may disclose the public information in some other form.

Because 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 OR91-034.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID# 9361, 9368

Enclosure: Open Records Decision Nos. 352, 367

cc: John Bird
WishList
1016 LaPasada, Suite 138
Austin, Texas 78752

Jennifer Riggs
Attorney General's Office
General Administration