



Office of the Attorney General  
State of Texas

October 12, 1992

DAN MORALES  
ATTORNEY GENERAL

Mr. S. Anthony Safi  
Mounce & Galatzan  
P. O. Drawer 1977  
El Paso, Texas 79950-1977

OR92-589

Dear Mr. Safi:

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# 17317.

The El Paso Independent School District (the "school district"), which you represent, has received a request for certain information relating to school district employees. Specifically, the requestor seeks:

a list of all employees who transport students to and from school or on school related activities, as well as their social security numbers, drivers license numbers, addresses, birthdays, and home phone numbers.

You claim that the requested information is excepted from required public disclosure by section 3(a)(1) of the Open Records Act.

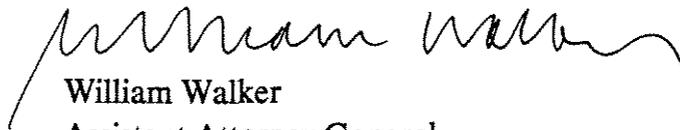
Section 3(a)(1) of the Open Records Act excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." A public employee's name, date of birth, and social security number are not protected by privacy interests and are open to the public. *See* Open Records Decision No. 455 (1987); *see also* V.T.C.S. art. 6252-17a, § 6(2) (names of all employees of governmental bodies specifically made public). We are unaware of any law that makes driver's license numbers confidential. Nor do we conclude that driver's license numbers meet the test for common-law privacy articulated in *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). *See* V.T.C.S. art. 6687b, § 21(e) (driver's license information available to the public); *see also* V.T.C.S. art. 6687b § 2(j)(1)

(the Department of Public Safety may provide a magnetic tape containing driver's license information). Accordingly, the names, birthdates, social security numbers, and driver's license numbers may not be withheld from required public disclosure under section 3(a)(1) of the Open Records Act and must be released.

Section 3(a)(17)(A) excepts from required public disclosure "the home addresses or home telephone numbers of each official or employee or each former official or employee of a governmental body except as otherwise provided by Section 3A of this Act." Section 3A(a) provides that section 3(a)(17) may be applied only when an employee indicates in writing that he does not want his home address and telephone number disclosed. Accordingly, if the public employees at issue here have indicated in writing that they do not want their home addresses and telephone numbers disclosed, the home addresses and telephone numbers must be withheld from required public disclosure under section 3(a)(17) of the Open Records Act.<sup>1</sup>

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 OR92-589.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/GCK/lmm

Ref.: ID# 17317

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<sup>1</sup>A governmental body, however, may not solicit a response from its employees under section 3A in response to a pending open records request; whether requested information is public under section 3A and section 3(a)(17) is determined as of the time the request for information is made. Open Records Decision No. 530 (1989). Please note, however, that the Open Records Act does not require a governmental body to obtain information not in its possession, Open Records Decision No. 558 (1990).

cc: Mr. Pahl Shipley  
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