



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1995

Ms. Martha C. Wright
Wright & Associates, P.C.
P.O. Box 531777
Grand Prairie, Texas 75053-1777

OR95-878

Dear Ms. Wright:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34494.

The Grand Prairie Independent School District (the "school district") received a request for the employment application of John Walter Wells. You contend that portions of the application are excepted from required public disclosure under sections 552.101 and 552.102 of the Government Code.

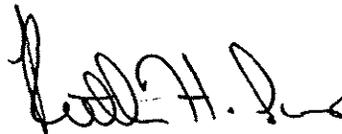
Before we address the sections you raise, we note that you do not indicate if Mr. Wells is a current or former employee of the school district. Section 552.117 excepts from disclosure the home addresses and telephone numbers of all peace officers, as defined by article 2.12 of the Code of Criminal Procedure, security officers commissioned under section 51.212 of the Education Code, and current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024. Therefore, section 552.117 requires you to withhold the home telephone number and address if this individual meets the above stated requirements. See Open Records Decision Nos. 622 (1994), 455 (1987).

We have reviewed the documents you submitted. The information you marked is not excepted from required public disclosure under sections 552.101 and 552.102 as they incorporate common-law privacy. See Open Records Decision No. 455 (1987).

Social security numbers obtained or maintained by a state agency or political subdivision of the state pursuant to any provision of law enacted on or after October 1, 1990, are confidential. 42 U.S.C. § 405(c)(2)(C)(viii)(I); *see* Open Records Decision No. 622 (1994). Based on the information that you have provided, we are unable to determine whether the social security number at issue is confidential under federal law. On the other hand, section 552.352 of the Government Code imposes criminal penalties for the release of confidential information. Therefore, prior to releasing *any* social security number, you should ensure that it was not obtained or maintained pursuant to a law enacted on or after October 1, 1990.¹

We are resolving this matter with an informal letter ruling rather than with a *published open records decision*. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/LBC/rho

Ref: ID# 34494

Enclosures: Submitted documents

cc: Ms. Anna Macias
The Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)

¹We note, however, that hiring an individual after October 1, 1990, is not the same as obtaining an individual's social security number pursuant to a law enacted on or after October 1, 1990.