



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 30, 1995

Mr. David M. Douglas  
Assistant Chief  
Legal Services  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR95-1344

Dear Mr. Douglas:

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# 35019.

You inform us that the Texas Department of Public Safety (the "department") received a request for the job application forms of Texas Ranger Marcus Hilton and Trooper Michael Coleman and for access to the dates of birth of these individuals. You assert that section 552.117 of the Government Code exempts from disclosure the officers' dates of birth, social security numbers, driver's license numbers, past and present home addresses and telephone numbers, and the names, addresses, and telephone numbers of the officers' family members. You state that providing the date of birth to the public would allow a person to access the officer's driving record, which contains home address information. You contend that the release of this information could place the officers, and their families in unwarranted danger.

Section 552.117 as it read at the time of the request for information protects from required public disclosure information relating to:

(1) the home address or home telephone number of:

...

(B) a peace officer as defined by Article 2.12, Code of Criminal Procedure, . . .

This provision protects the home addresses and telephone numbers on the requested applications. *See* Open Records Decision No. 532 (1989). We believe this provision also protects the officers' former home addresses and telephone numbers. *Cf.* Open Records Decision No. 622 (1994) at 4. Former section 552.117(1)(B) does not protect any other information on the applications.<sup>1</sup>

Social security numbers may be withheld under section 552.101 of the Government Code. A social security number or "related record" may be excepted from disclosure under section 552.101 in conjunction with the 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(viii)(I). *See* Open Records Decision No. 622 (1994). These amendments make confidential social security numbers and related records that are obtained and maintained by a state agency or political subdivision of the state pursuant to any provision of law enacted on or after October 1, 1990. *See id.* We have no basis for concluding that any of the social security numbers in the file are confidential under section 405(c)(2)(C)(viii)(I), and therefore excepted from public disclosure under section 552.101 of the Open Records Act on the basis of that federal provision. We caution, however, that section 552.353 of the Open Records Act imposes criminal penalties for the release of confidential information. Prior to releasing any social security number information, you should ensure that no such information was obtained or is maintained by the department pursuant to any provision of law, enacted on or after October 1, 1990.

The Seventy-fourth Legislature amended section 552.117 of the Government Code, effective September 1, 1995. *See* Act of May 29, 1995, 74th Leg., R.S., ch. 1035, Tex. Sess. Law Serv. (Vernon) 5127, 5132. Thus, for requests for information the department receives after September 1, 1995, section 552.117 of the Government Code covers the home address, home telephone number, social security number, and information about family members of a current or former official or employee of a governmental body, a peace officer as defined by article 1.12 of the Code of Criminal Procedure, and a security officer commissioned under section 51.212 of the Education Code. *See id.*

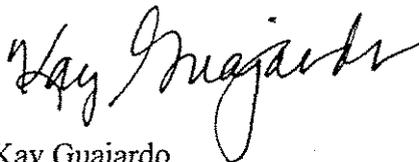
We also note that the applications contain private financial information, in particular information about the officers' financial history. The department must withhold this information from public disclosure. Gov't Code § 552.101; *see* Open Records Decision No. 373 (1983).

---

<sup>1</sup>We note that while providing the officers' dates of birth enables an individual to obtain access to the officers' driving records, the department may withhold the home addresses on the driving records from required public disclosure under section 552.117(1)(B).

We are resolving this matter with this 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 may 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,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 35019

Enclosures: Submitted documents

cc: Ms. Terri Langford  
Associated Press, Houston Bureau  
1100 Milam Street, #3377  
Houston, Texas 77002  
(w/o enclosures)