



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 16, 1996

Mr. Donald G. Vandiver
First Assistant City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR96-0034

Dear Mr. Vandiver:

You have asked 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# 31977.

The City of Lubbock (the "city") received a request for employment or personnel forms for a number of current and former city employees. You have provided the requested forms, with certain information redacted. Pursuant to former sections 552.024 and 552.117 of the Government Code, you redacted the home addresses and home telephone numbers of those former or current employees who, as of the time of the request for the information, had elected to keep the information private. *See* Open Records Decision No. 622 (1994) (section 552.117 excepts from disclosure current and former home addresses and telephone numbers). You also redacted employees' social security numbers. Our understanding is that the social security numbers are the only items of information still at issue.

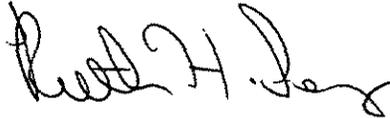
You state that you are concerned "releases of social security numbers collected or maintained prior to 1990" may be protected under the Privacy Act of 1974. This office has not so held. *See* Open Records Decision Nos. 169 (1977); *cf.* 622 (1994) at 4-5, n. 6 (Privacy Act of 1974 requires governmental agencies obtaining social security numbers to inform individuals whether disclosure is mandatory or voluntary, authority by which number is solicited, and uses to be made of number). This office has concluded that amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(viii)(I), make confidential social security numbers obtained or maintained by authorized persons

pursuant to any provision of law enacted *on or after October 1, 1990*. Open Records Decision No. 622 (1994) at 2-3. Thus, if the social security numbers at issue were obtained or are maintained pursuant to any such provision of law, the information is confidential and may not be publicly disclosed. It otherwise is not confidential and must be disclosed.

We also note that the Seventy-fourth Legislature amended the Open Records Act, effective September 1, 1995, so that sections 552.024(a) and 552.117 now provide that public employees may elect to keep private their social security numbers and any information revealing whether they have family members. While these amendments do not have an effect on this request, they may have an effect on requests for information made on or after September 1, 1995.

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 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 Records Division

RHS/rho

Ref.: ID# 31977

Enclosures: Submitted documents

cc: Mr. Dirk Phillpot
c/o Mr. Donald G. Vandiver
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(w/o enclosures)