



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 13, 1996

Ms. Rachael Martin
Executive Director
Board of Law Examiners
P.O. Box 13486
Austin, Texas 78711

OR96-0696

Dear Ms. Martin:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39776.

The Board of Law Examiners (the "board") received a request for information regarding two applicants for admission to the Bar of Texas and a list of all applicants who passed the Texas Bar Examination during the years 1987, 1988, 1989, and 1990. You state that you have provided the requestor with all requested information other than the social security number of one applicant.¹ You contend that the social security number is excepted from required public disclosure by section 552.101 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Section 405(c)(2)(C)(vii) of the Social Security Act provides as follows:

(I) Social security account numbers and related records that are obtained or maintained by authorized persons pursuant to any provision of law, enacted on or after October 1, 1990, shall be confidential, and no authorized person shall disclose any such social security account number or related records.

¹According to board records, only one of the two individuals about which the requestor is seeking information did in fact file an application with the board.

(III) For purposes of this clause, the term "authorized person" means an officer or employee of the United States, an officer or employee of any State, political subdivision of a State, or agency of a State or political subdivision of a State, and any other person (or officer or employee thereof), who has or had access to social security account numbers or related records pursuant to any provision of law enacted on or after October 1, 1990. For purposes of this subclause, the term "officer or employee" includes a former officer or employee.

42 U.S.C. § 405(c)(2)(C)(vii).

These provisions of the Social Security Act, incorporated into the Open Records Act by section 552.101, make confidential only those 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. You inform us that the board did not acquire the social security number at issue pursuant to any provision of law enacted on or after October 1, 1990. We are unaware of any other law, federal or state, that makes the social security number confidential in the board's hands. The social security number is therefore not excepted from disclosure under section 552.101 of the Government Code and must be released to the requestor.

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 39776

cc: Pat Taylor
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Fort Worth, Texas 76132
(w/o enclosures)