



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 11, 1996

Ms. Marva M. Gay
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR96-2365

Dear Ms. Gay:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102407.

The Harris County Personnel Department (the "county") received requests from the Texas Attorney General's Child Support Enforcement Office and the Texas Guaranteed Student Loan Corporation ("TGSLC") for information relating to the county's employees. You assert that although the requested information is ordinarily protected from disclosure by section 552.024 of the Government Code, disclosure may be required under section 231.302 of the Family Code and section 57.49 of the Education Code. We have considered your assertions and reviewed the submitted information.

Section 552.117, in conjunction with section 552.024, excepts information from disclosure if it is information that relates to the home address, telephone number, or social security number, or that reveals family members of current or former employees of a governmental body who have elected, prior to the current open records request, to restrict access to this information. You inform us that the employees timely elected to withhold their home addresses and telephone numbers from disclosure.

First, we will address the Child Support Enforcement Office's request for information. Section 231.302(a) of the Family Code entitles the Attorney General's Child Support Enforcement Office, as a Title IV-D agency, "to request and obtain information relating to the location, income, and property holdings of the person from a state or local government agency . . . as necessary to implement this chapter." Fam. Code § 231.302(a). Thus, the Child Support Enforcement Office has the express statutory authority to obtain the home address and telephone number of a parent who is a county employee and who is not fulfilling child support obligations. Section 231.302 further provides that a governmental agency shall provide the information in the most efficient and expeditious manner available, and that information collected by the Title IV-D agency may be used only for child support purposes. Fam. Code § 231.302(b), (f).

Although certain information requested by the Child Support Enforcement Office is deemed confidential under sections 552.101¹ and 552.117 and may not be released to the public, we note that it is the well-settled policy of this state that state agencies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties. Attorney General Opinion H-683 (1975). The Open Records Act does not undercut that policy. Attorney General Opinion H-683 (1975). Confidential information may be transferred between state agencies without destroying its confidential character if the agency to which the information is transferred has authority to obtain the information. Open Records Decision No. 516 (1989). Here, the Child Support Enforcement Office has expressed statutory authority to obtain some of the requested information. Therefore, the county will not violate the privilege of confidentiality under section 552.117 or contravene the act by transferring such information to the Child Support Enforcement Office because such interagency transfers of information are not considered "public" disclosures. Open Records Decision No. 468 (1987).

Accordingly, the county must provide the Child Support Enforcement Office with information relating to the location of the employee. See Open Records Decision No. 516 (1989) (home addresses of peace officers must be provided to Attorney General's Child Support Enforcement Office for its internal, confidential use; such interagency transfers of information are not considered "public" disclosures nor violations of privilege of confidentiality under predecessor to section 552.117). As for the remainder of the requested information that is deemed confidential, the county may choose to transfer the requested information to the Child Support Enforcement Office. Such a disclosure is not a public release and the information collected may be used only for child support purposes. Fam. Code § 231.302(f). See also Fam. Code § 231.108(a), (c) (all files and records provided under chapter 231 are confidential, except information may be released for purposes directly connected with the administration of the child support, paternity determination, parent locator, or aid to families with dependent children programs).

We now address TGSLC's request for information. We understand that TGSLC seeks the information pursuant to section 57.49 of the Education Code. That provision requires, "[t]o the extent allowed by law, each agency and political subdivision of the state shall cooperate with [TGSLC] in attempts to collect on defaulted loans." Educ. Code § 57.49 (emphasis added). This statute, however, does not on its face entitle TGSLC to request and obtain information that is excepted from disclosure under the Open Records Act. Indeed, section 57.49 requires cooperation only "[t]o the extent allowed by law." As noted above, release of the requested home address and telephone number is not "allowed by law," but is

¹Certain insurance information such as an employee's choice of carrier and optional coverages is protected from disclosure by common-law privacy rights encompassed by section 552.101. Open Records Decision No. 600 (1992). Additionally, section 552.101 provides that information is excepted from disclosure if made confidential by law. Federal law provides for the confidentiality of social security numbers obtained or maintained by a governmental body pursuant to any provision of law enacted on or after October 1, 1990. 42 U.S.C. § 405(c)(2)(C)(viii); Open Records Decision No. 622 (1994) at 4.

prohibited by section 552.117 of the Government Code. Ordinarily, when the language of a statute is unambiguous, it must be given effect without any attempt to construe it or interpret it. *See Lumberman's Underwriters v. State Bd. of Ins.*, 502 S.W.2d 217 (Tex. Civ. App.--Austin 1973, writ ref'd n.r.e.); *see also City of Van Alstyne v. State*, 246 S.W.2d 671 (Tex. Civ. App.--Dallas 1952, writ ref'd n.r.e.). We conclude that the plain language of section 57.49 does not require the county to make the requested information available to TGSLC.

Although it is well settled that confidential information may be transferred between governmental bodies without destroying its confidential nature, the information may only be transferred if the receiving agency has the authority to obtain it. Open Records Decision No. 516 (1989) at 5. In this case, the TGSLC does not appear to have the authority to obtain the requested information. Accordingly, the county must withhold the requested home address and telephone number under section 552.117 of the Government Code.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 102407

Enclosures: Submitted documents

cc: Mr. C. Bennett
Office of the Attorney General
P.O. Box 5700
Bryan, Texas 77805-5700
(w/o enclosures)

Texas Guaranteed Student Loan Corporation
P.O. Box 201725
Austin, Texas 78720-1725
(w/o enclosures)