



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 6, 1997

Mr. Dennis J. Eichelbaum
Schwartz & Eichelbaum, P.C.
General Counsel
3700 Ross Avenue Box 69
Dallas, Texas 75204-5491

OR97-2237

Dear Mr. Eichelbaum:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 109313.

The Dallas Independent School District (the "district"), which you represent, received a request from Mr. David Strobel's attorney for 20 categories of documents relating to the termination of Mr. Strobel's employment. Initially you claimed that several categories of documents were excepted from disclosure. You subsequently informed us that you object only to the release of the employee social security numbers found on the timecards being sought in category 10 of the request. You state your intention to release the timecards with the employee social security numbers redacted.¹ You claim that the social security numbers are excepted from disclosure pursuant to sections 552.024, 552.101, and 552.117 of the Government Code.

In pertinent part, section 552.117 excepts from disclosure the social security numbers of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024. The district may not, however, withhold this information for a current or former official or employee who made a request for confidentiality under section 552.024 after the request for this information was made. Whether a particular piece of information is public must be determined at the time the request for it is made. Open Records Decision No. 530

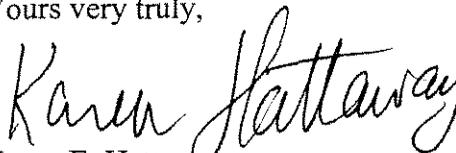
¹We note that the both the employee names and the employee social security numbers have been redacted from the copies of the timecards submitted to this office for review. However, you have not objected to the release of the employee names. Therefore, we assume that you will not redact the employee names from the copies of the timecards you provide to the requestor.

(1989) at 5. Pursuant to section 552.117, the district must withhold the social security numbers of those employees who made a timely request for confidentiality under section 552.024.

Additionally, we note that the employee social security numbers may be excepted from disclosure under section 552.101 in conjunction with federal law.² If the district obtained or maintains the social security numbers pursuant to any provision of law enacted on or after October 1, 1990, the 1990 amendments to the federal Social Security Act, § 42 U.S.C. § 405(c)(2)(C)(viii)(I), make the social security numbers confidential and they are excepted from disclosure under section 552.101. *See* Open Records Decision No. 622 (1994).

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 109313

Enclosures: Submitted documents

cc: Mr. Randall Duke
Johnson & McElroy, L.L.P.
5500 Preston Road, Suite 370
Dallas, Texas 75205-2660
(w/o enclosures)

²Section 552.101 excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision.