



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 13, 1998

Ms. Lisa Aguilar  
Assistant City Attorney  
City of Corpus Christi  
Legal Department  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR98-1216

Dear Ms. Aguilar:

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# 114904.

The City of Corpus Christi (the "city") received an open records request from an attorney for a specified individual's social security number, apparently in order to probate an estate. In response to the request, you submitted to this office for review a copy of the information which you assert is responsive. You contend that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C). We have considered the claimed exception and have reviewed the information submitted.<sup>1</sup>

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Social security numbers may be withheld in some circumstances under section 552.101. 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 or 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.*

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<sup>1</sup>As you assert that the subject of the request "was never employed by the City," in this ruling we do not consider whether the specified individual's social security number and home address and phone number are excepted from disclosure by section 552.117 of the Government Code. *See* Gov't Code §§ 552.117, .024.

Our office has no basis for concluding that the social security number at issue is 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. *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense). Prior to releasing any social security number information, you should ensure that no such information was obtained or is maintained by the city pursuant to any provision of law, enacted on or after October 1, 1990.

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,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/rho

Ref.: ID# 114904

Enclosure: Submitted document

cc: Mr. Eric L. Barrera  
Gary, Thomasson, Hall & Marks, P.C.  
P.O. Box 2888  
Corpus Christi, Texas 78403  
(w/o enclosure)