



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 17, 1998

Ms. Martha M. Dominquez
Interim Records Management Officer
Ysleta Independent School District
9600 Sims Drive
El Paso, Texas 79925-7225

OR98-1496

Dear Ms. Dominquez:

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# 116207.

The Ysleta Independent School District (the "district") received an open records request for "the certified payrolls and the accompanying payroll checks for the pay period of 2-23-98 to the present in Contract No. 96-002-649." You state that the district will release most of the requested information, but you seek to withhold the social security numbers of the contractor's employees pursuant to section 552.101 of the Government Code in conjunction with federal law.

This office concluded in Open Records Decision No. 622 (1994) at 3 that amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(vii)(I), make confidential any social security number obtained or maintained by any "authorized person" pursuant to any provision of law enacted on or after October 1, 1990, and that any such social security number is therefore excepted from required public disclosure by section 552.101 of the Government Code.¹

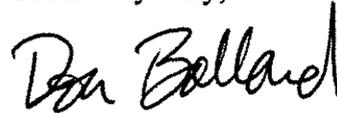
It is not apparent to us that the district obtained or maintain the social security numbers at issue here pursuant to any provision of law, enacted on or after October 1, 1990. You have cited no law, nor are we aware of any law, enacted on or after October 1, 1990, that authorizes the district to obtain or maintain a social security number.

¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

Therefore, we have no basis for concluding that the social security numbers at issue were obtained or are maintained pursuant to such a statute and is therefore confidential under section 552.101 of the Government Code in conjunction with 405(c)(2)(C)(vii)(I). We caution the district, however, that section 552.352 of the Government Code imposes criminal penalties for the release of confidential information. Prior to releasing the social security numbers, the district should ensure that the numbers were not obtained nor are maintained by the district 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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/mjc

Ref.: ID# 116207

Enclosures: Submitted documents

cc: Mr. Carlos Spector
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(w/o enclosures)