



September 22, 1999

Ms. Jennifer Jean Jones
Executive Council of Physical Therapy
and Occupational Therapy Examiners
333 Guadalupe, Suite 2-510
Austin, Texas 78701-3942

OR99-2653

Dear Ms. Jones:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128306.

The Board of Occupational Therapy Examiners (the "board") received a request for a complete file relating to a particular licensee. You claim that certain parts of the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. You contend that the social security numbers found in the requested information are excepted from disclosure pursuant to section 552.101. The 76th Texas Legislature recently passed House Bill 692, which provides as follows:

SECTION 1. CONFIDENTIALITY OF SOCIAL SECURITY NUMBER. The social security number of an applicant for or holder of a license, certificate of registration, or other legal authorization issued by a licensing agency to practice in a specific occupation or profession that is provided to the licensing agency is confidential and is not subject to disclosure under the open records law.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills

to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Act of May 17, 1999, 76th Leg., R.S., H.B. 692. The governor signed this bill on May 25, 1999; accordingly, this law is now in effect. The Texas Board of Occupational Therapy Examiners is a licensing agency. *See* V.T.C.S. art. 8851, § 5(a) (granting licensing authority to the board). We therefore conclude that the board must withhold the social security numbers pursuant to House Bill 692.

Additionally, it is important to note that the submitted documents contain driver's license numbers which are excepted under section 552.130 of the Government Code. Section 552.130 governs the release and use of information obtained from motor vehicle records, and provides in relevant part as follows:

(a) Information is excepted from [required public disclosure] if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]

(2) a motor vehicle title or registration issued by an agency of this state[.]

Accordingly, we have marked the driver's license numbers that you must withhold pursuant to section 552.130.

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.

Sincerely,



Carla Gay Dickson
Assistant Attorney General
Open Records Division

CGD/ch

Ref: ID# 128306

Encl. Submitted documents

cc: Mr. Carl Weeks
Weeks and Associates, L.L.C.
608 West 12th Street
Austin, Texas 78701
(w/o enclosures)