



January 12, 2001

Ms. Sherry L. Lee  
Executive Director  
Texas State Board of Examiners of Psychologists  
333 Guadalupe, Suite 2-450  
Austin, Texas 78701

OR2001-0137

Dear Ms. Lee:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 143199.

The Texas State Board of Examiners of Psychologists (the "board") received a request for the board's file on a specific individual. You state that the board has released most of the requested information, but you claim that a social security number compiled during the licensing process, and which is contained in the requested information, is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 51.251 of the Occupations Code.

In Open Records Decision No. 2000-4344 (2000), this office concluded that an applicant's or licensee's social security number, compiled during the licensing process, must be withheld under section 552.101 of the Government Code in conjunction with section 51.251 of the Occupations Code. Moreover, that letter ruling held that the board may rely on it in regard to future requests that include social security numbers provided to the board by applicants and licensees. Open Records Decision No. 2000-4344 (2000). Therefore, we conclude that Open Records Decision No. 2000-4344 (2000) constitutes a "previous determination" for purposes of section 552.301(a) of the Government Code. Accordingly, you may rely on Open Records Decision No. 2000-4344 (2000) to withhold the social security number at issue. Further, the board need not seek a decision from this office for future requests for social security numbers provided to the board by applicants and licensees.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10

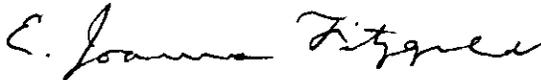
calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss of the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



E. Joanna Fitzgerald  
Assistant Attorney General  
Open Records Division

EJF\seg

Ref: ID# 143199

Encl: Submitted documents

cc: Mr. Frank G. Vlahakos  
Jackson Walker L.L.P.  
1100 Louisiana Street, Suite 4200  
Houston, Texas 77002  
(w/o enclosures)