



February 8, 2002

Ms. Laura Garza Jimenez
County Attorney
County of Nueces
901 Leopard, Room 207
Corpus Christi, Texas 78401-3680

OR2002-0602

Dear Ms. Jimenez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 158345.

The Nueces County District Clerk (the "clerk") received a request for information relating to child support payments. You claim that some of the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you raise and have reviewed the information you submitted.¹

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This exception encompasses information that another statute makes confidential. A social security number may be confidential under 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(viii)(I), if a governmental body obtained or maintains the social security number pursuant to any provision of law enacted on or after October 1, 1990.² You point out that under section 105.006(a)(1) of the Family Code, a final order must

¹You also submitted copies of correspondence with the requestor regarding the clerk's identification of the information that is the subject of this request. We note that chapter 552 of the Government Code requires a governmental body to make a good-faith effort to relate a request to responsive information that is within its possession or control. See Open Records Decision No. 561 at 8 (1990). However, "[i]f what information is requested is unclear to the governmental body, the governmental body may ask the requestor to clarify the request." Gov't Code § 552.222(b); see also Open Records Decision No. 663 at 2-5 (1999) (addressing circumstances under which communications with requestor to clarify or narrow request for information will toll ten-business-day deadline under Gov't Code § 552.301(b)).

²See Open Records Decision No. 622 at 2-4 (1994).

contain the social security numbers of the parties to the case.³ You note that this section was enacted on or after October 1, 1990.⁴ You contend that because the clerk uses final orders, which contain social security numbers, to set up child support accounts, the clerk maintains these social security numbers pursuant to a provision of law enacted on or after October 1, 1990. You assert that these social security numbers thus are confidential under section 405(c)(2)(C)(viii)(I) of the Social Security Act and therefore are excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments. We conclude, however, that section 105.006(a)(1) of the Family Code does not authorize the clerk to obtain or maintain a social security number. Thus, you have cited no law, nor are we aware of any law enacted on or after October 1, 1990 that authorizes the clerk to obtain or maintain a social security number. Therefore, these social security numbers are not excepted from disclosure under section 552.101 of the Government Code and must be released.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

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

³See Fam. Code § 105.006(a)(1) (providing in part that “[a] final order . . . must contain . . . the social security number and driver’s license number of each party to the suit”).

⁴See Act of April 6, 1995, 74th Leg., R.S., ch. 20, § 1, 1995 Tex. Gen. Laws 113, 131.

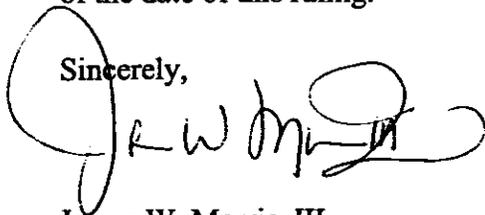
should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

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 at the Texas Building and Procurement 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,

A handwritten signature in black ink, appearing to read 'J W Morris III', written in a cursive style.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/sdk

Ref: ID# 158345

Enc: Marked documents

c: Mr. Bradford M. Condit
401 N. Tanchua
Corpus Christi, Texas 78401
(w/o enclosures)