



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 22, 2005

Ms. Patricia A. Moore  
General Counsel  
State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711

OR2005-07583

Dear Ms. Moore:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 230979.

The State Bar of Texas (the "state bar") received a request for all records pertaining to a named attorney. You state that you have released some of the requested information. You claim that portions of the requested information are excepted from disclosure under sections 552.101, 552.115, 552.117, 552.136, and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that a portion of the submitted information consists of information relating to a named attorney's home address, home telephone number, birth date, and internal unique identifier number. The state bar currently has a lawsuit pending against the Office of the Attorney General over the release of similar types of information in *State Bar of Texas v. Abbott*, Cause No. GV403520, 261st District Court of Travis County, Texas. Your arguments in the instant request for a decision are similar to the state bar's arguments in the pending litigation of the prior ruling. Accordingly, we are closing our file with regard to the portion of the submitted information consisting of the named attorney's home address, home telephone number, birth date, and internal unique identifier number without issuing a decision and will allow the trial court to determine whether the types of information at issue must be released to the public.

We now address your claims for the remaining submitted information. Section 552.147 of the Government Code<sup>1</sup> provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act. Therefore, the state bar must withhold the social security numbers contained in the submitted information under section 552.147.<sup>2</sup>

In summary, we are closing our file with regard to a portion of the submitted information relating to a named attorney’s home address, home telephone number, birth date, and internal unique identifier number without issuing a decision and will allow the trial court to determine whether this information must be released to the public. The social security numbers must be withheld pursuant to section 552.147 of the Government Code. The remaining information must be released.

Although you request that this office issue a previous determination regarding the information at issue, we decline to do so at this time. 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, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the

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<sup>1</sup>Added by Act of May 23, 2005, 79th Leg., R.S., S.B. 1485, § 1, sec. 552.147(a) (to be codified at Tex. Gov’t Code § 552.147).

<sup>2</sup>We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person’s social security number from public release without the necessity of requesting a decision from this office under the Act.

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 Dep't of Pub. 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. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. 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,



Jaime L. Flores  
Assistant Attorney General  
Open Records Division

JLF/seg

Ref: ID# 230979

Enc. Submitted documents

c: Mr. M. Kevin Queenan  
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(w/o enclosures)