



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 25, 1994

Mr. Charles E. Griffith, III  
Deputy City Attorney  
City of Austin  
Department of Law  
P.O. Box 1088  
Austin, Texas 78767-8828

OR94-217

Dear Mr. Griffith:

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# 23632.

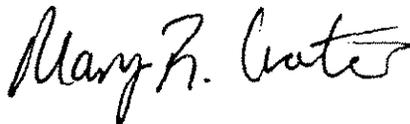
The City of Austin (the "city") received an open records request for the name, home address, telephone number, and social security number of all city employees. You inform us that you have released to the requestor the names of all city employees as well as the home addresses and telephone numbers of the employees who are not peace officers or who have not designated this information as confidential pursuant to section 552.024 of the Government Code. You inquire whether the requested social security numbers are made confidential under federal law and thus must be withheld pursuant to section 552.101 of the Government Code. Section 552.101 protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

This office recently concluded in Open Records Decision No. 622 (1994) at 3 (copy enclosed) that amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(vii), 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. You have cited no law, nor are we aware of any law, enacted on or after October 1, 1990, that authorizes the city to obtain or maintain social security numbers. Therefore, we have no basis for concluding that the requested social security numbers were obtained or are maintained pursuant to such a statute and are therefore confidential under section 552.101 of the

Government Code in conjunction with section 405(c)(2)(C)(vii). We caution the city, 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 city should ensure that it has not obtained or maintained any of the social security numbers pursuant to any provision of law, enacted on or after October 1, 1990.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Mary R. Crouter  
Assistant Attorney General  
Open Government Section

MRC/RWP/rho

Ref.: ID# 23632  
ID# 23651

Enclosures: Open Records Decision No. 622

cc: Ms. Carol Guthrie  
Business Manager  
1106 Lavaca Street, Suite 100  
Austin, Texas 78701  
(w/o enclosures)