



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1994

Mr. Peter A. Stone
Executive Director
Board of Tax Professional Examiners
333 Guadalupe Street
Tower 2, Suite 520
Austin, Texas 78701-3942

OR94-728

Dear Mr. Stone:

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# 25156.

The Board of Tax Professional Examiners ("the board"), has received a request for "a complete copy of all documents in [a registrant's] file with the Board of Tax Professional Examiners." You explain that among other things, the requested "records of each registrant usually contains their home address, home telephone number and social security number."

In pertinent part, section 552.117 excepts from disclosure the home addresses and telephone numbers of current or former officials or employees of a governmental body who request that such information be confidential pursuant to section 552.024. Therefore, section 52.117 requires a governmental body to withhold any home address or telephone number of an official or employee who requested that this information be kept confidential under section 552.024.¹ We believe that the scope of section 552.024 is clear: it applies to "employee[s] hired by a governmental body, and each official of the governmental body." Open Records Decision No. 455 (1987) at 1 (quoting former

¹As a governmental body, you may not, however, withhold the home address or telephone number of an official or employee who made the request for confidentiality under section 552.024 after this request for the documents was made. Whether a particular piece of information is public must be determined at the time the request for it is made. Open Records Decision No. 530 (1989) at 5.

V.T.C.S. art. 6252-17a, § 3A(a)). We therefore conclude that registrants before the board clearly are not within this language, and we are not at liberty to expand it to include them. *See Goldman v. Torres*, 341 S.W.2d 154 (Tex. 1960) (courts cannot alter plain meaning of statutory language). Sections 552.024 and 552.117 do not embrace the home addresses and telephone numbers of registrants for licensure before the board. *See also* Gov't Code § 552.024(b),(e) (employee must notify personnel officer of his choice).

We now address your questions concerning the disclosure of social security numbers contained within the registrants' files. A social security number or "related record" is excepted from required disclosure under section 552.101 of the act in conjunction with the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(vii), if it was obtained or is maintained by a governmental body pursuant to any provision of law enacted on or after October 1, 1990. *See* Open Records Decision No. 622 (1994) (copy enclosed); *see also* 42 U.S.C. § 405 (c)(2)(C)(v) (governing release of social security number collected in connection with administration of any general public assistance, driver's license or motor vehicle registration law). The registrant's application for registration, completed in 1979, includes his social security number. Based on this information, we have concluded that the social security numbers at issue are not protected from disclosure under the provisions of this statute. 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,



Toya Cirica Cook
Assistant Attorney General
Open Government Section

TCC/SLG/rho

Ref.: ID# 25156

Enclosures: Open Records Decision No. 622
Submitted documents

cc: Mr. Doug W. Ray
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(w/o enclosures)