



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 26, 1995

Mr. Robert J. Young
Dallas County Community College District
R. L. Thornton, Jr. Building
701 Elm Street, Room 400
Dallas, Texas 75202-3299

OR95-289

Dear Mr. Young:

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# 30591.

The Dallas County Community College District (the "college district") "received a request for copies of various documents related to the selection and hiring of a public information director at Mountain View College." You contend that the requested information is excepted from required public disclosure under section 552.111 of the Government Code. Before we consider whether section 552.111 applies, however, we must address the issue of the social security numbers contained in the requested documents.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." A social security number or "related record" may be excepted from disclosure under section 552.101 in conjunction with the 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(vii). In relevant part, the 1990 amendments to the federal Social Security Act make confidential social security account numbers and related records that are obtained and maintained by a state agency or political subdivision of the state pursuant to any provision of law enacted on or after October 1, 1990. *See* Open Records Decision No. 622 (1994). We caution, however, that an employer may be required to obtain an employee's social security number under laws that predate October 1, 1990; a social security number obtained under a law that predates October 1, 1990, is not made confidential by the 1990 amendments to the Social Security Act. Based on the information that you have provided, we are unable to determine whether the social security numbers at issue are confidential under

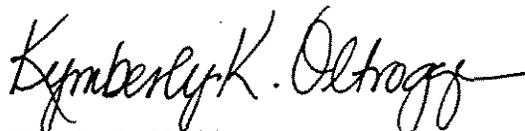
federal law. On the other hand, section 552.352 of the Government Code imposes criminal penalties for the release of confidential information. Therefore, prior to releasing *any* social security number, you should ensure that it was not obtained pursuant to a law enacted on or after October 1, 1990.¹

Section 552.111 excepts “[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.” Section 552.111 excepts from public “disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue.” Open Records Decision No. 615 (1993) at 5. The policymaking functions of an agency, however, “do not encompass routine internal administrative and personnel matters.” *Id.* Furthermore, section 552.111 does not except purely factual information from disclosure. *Id.*

The records you have submitted relate to routine internal administrative and personnel matters. Accordingly, you may not withhold any of the requested information under section 552.111 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kymerly K. Oltrogge
Assistant Attorney General
Open Government Section

KKO/LBC/rho

Ref: ID# 30591

Enclosures: Submitted documents

cc: Mr. James H. Heaberg, Jr.
10778 Bushire Drive
Dallas, Texas 75229
(w/o enclosures)

¹We note that hiring an individual after October 1, 1990, is not the same as obtaining an individual's social security number pursuant to a law enacted on or after October 1, 1990.