



July 19, 1999

Ms. Sylvia S. Romo
Tax Assessor-Collector
Office of the Tax Assessor-Collector
P.O. Box 839950
San Antonio, Texas 78283-3950

OR99-2019

Dear Ms. Romo:

You have asked 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# 126639.

The Office of the Tax Assessor-Collector (the "Tax Assessor") received a written request for certain information pertaining to a specified individual. Specifically, the Bexar County Voter Registration Office received an open records request for specified information, including the social security number for a named individual. You ask whether the social security number is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 13.004 of the Election Code. We have considered the exception and arguments you have raised and reviewed the applicable statute.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 13.004 provides as follows:

- (a) The registrar may not transcribe copy, or otherwise record a telephone number furnished on a registration application.
- (b) The registrar may transcribe, copy, or otherwise record a social security number furnished on a registration application only in maintaining the accuracy of the registration records.

Elec. Code § 13.004. In this instance, the request does not appear to concern "maintaining the accuracy of the registration records," therefore, the registrar is prohibited from copying the social security number in response to the request for information. However, we note that

section 13.004 does not prohibit access to and inspection of the social security numbers. *Cf.* Election Law Opinion No. JWF-24 (1984) (although voter registrar is prohibited from transcribing, copying, or recording any telephone numbers furnished on a voter registration application, persons inspecting the files are not subject to this prohibition).

We note, however, that federal law may prohibit disclosure of the social security numbers. A social security number or “related record” is excepted from required public disclosure under section 552.101 of the act in conjunction with 1990 amendments to the federal Social Security Act, § 42 U.S.C. § 405(c)(2)(C)(viii)(I), *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). Section 552.353 of the Public Information Act imposes criminal penalties for the release of confidential information. See also Gov’t Code § 552.352 (the distribution of confidential information is a criminal offense).

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 regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 126639

cc: Mr. John Hernden
208 Prinz
San Antonio, Texas 78213
(w/o enclosures)