



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 15, 2006

Ms. Karen Hattaway
General Counsel
Office of Legal Services
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

OR2006-04987

Dear Ms. Hattaway:

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# 247724.

The Texas Education Agency (the "agency") received a request from the Texas Guaranteed Student Loan Corporation (the "TGSLC") for the name, date of birth, social security number, and home address of agency licensees. You ask whether the agency may release social security numbers of licensees to the TGSLC pursuant to the interagency transfer doctrine. We have considered your arguments and reviewed the submitted representative sample of information.¹ We have also considered comments submitted by the TGSLC. See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

You assert, and we agree, that section 552.147 of the Government Code and section 59.001 of the Occupations Code deem the social security numbers at issue confidential and prohibit their release to the public. Section 552.147 of the Government Code provides "[t]he social security number of a living person is excepted from the requirements of [the Act]." Gov't Code § 552.147(a). Section 59.001 of the Occupations Code provides that "[t]he social security number of an applicant for or holder of a license, certificate of registration, or other

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

legal authorization issued by a licensing agency to practice in a specific occupation or profession that is provided to the licensing agency is confidential and not subject to disclosure under [the Act].”

You indicate that the agency is willing to provide the information at issue to the requestor through an interagency transfer. This office has recognized that it is the public policy of this State that governmental bodies should cooperate with each other in the interest of the efficient and economical administration of statutory duties. Open Records Decision No. 667 (2000), 661 (1999); *see* Attorney General Opinion H-836 (1976). The interagency transfer doctrine provides that information may be transferred between governmental bodies without violating its confidential character on the basis of a recognized need to maintain an unrestricted flow of information between governmental bodies. *See* Attorney General Opinion Nos. GA-0055 (2003), H-836, M-713 (1970); Open Records Decision Nos. 680 at 7 (2003), 667 at 3-4. But an interagency transfer of information is prohibited where (1) a statute makes the information confidential and (2) that confidentiality statute allows the transfer of the information to only certain enumerated entities, and the requesting agency is not one of those enumerated entities. *See* Attorney General Opinion DM-353 at 4 n.6 (1995), JM-590 (1986); Open Records Decision No. 661 at 3, 655 (1997), 650 (1996). Section 552.147 by its language excepts social security numbers from required release to the public under the Act. Because the disclosure to the TGSLC is not a disclosure to the public, but to another governmental entity, section 552.147 does not apply here. In addition, although section 59.001 of the Occupations Code is a statute that makes the social security number of a licensee confidential, chapter 59 does not restrict the transfer of such information to any enumerated entity. Accordingly, the agency has the discretion to release the social security numbers at issue to the TGSLC pursuant to the interagency transfer doctrine.

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

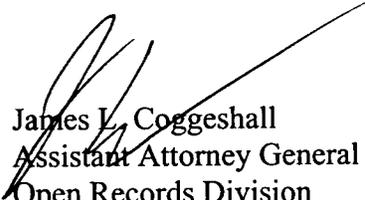
will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to 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 Office of the Attorney General 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/eb

Ref: ID# 247724

Enc. Submitted documents

c: Ms. Kathleen Holden
Vice President and Senior Counsel
Texas Guaranteed Student Loan Corporation
P.O. Box 83100
Round Rock, Texas 78683-3100
(w/o enclosures)