



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 17, 2012

Ms. Ruth H. Soucy
Deputy General Counsel for Open Records
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711-3528

OR2012-05447

Dear Ms. Soucy:

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# 451213 (Comptroller ID# 7984261614).

The Texas Comptroller of Public Accounts (the "comptroller's office") received a request for the social security number of a named individual. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision" and encompasses information made confidential by statute. Gov't Code § 552.101. Section 552.101 encompasses section 74.104 of the Property Code. Title 6 of the Property Code pertains to unclaimed property. Several provisions of Title 6 govern the conditions under which different types of property are presumed to be abandoned by the owner of the property. *See, e.g.*, Prop. Code §§ 72.101 (personal property), 73.101 (property held by financial institution), 75.101 (mineral proceeds, and owner's underlying right to receive mineral proceeds). Under chapter 74 of the Property Code, a holder of property presumed abandoned under chapter 72, 73, or 75 of the Property Code, or under chapter 154 of the Finance Code, must file a report of the property with the comptroller's office. *See id.* § 74.101.

The public availability of the property reports required under section 74.101 is governed by sections 74.104 and 76.104 of the Property Code.¹ Section 74.104 provides:

(a) Except as provided by Section 74.201, 74.203, or 74.307, a property report filed with the comptroller under Section 74.101 is confidential until the second anniversary of the date the report is filed.

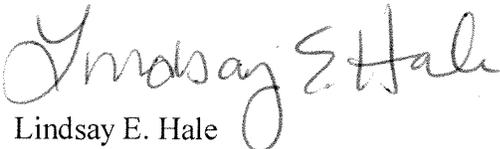
(b) The social security number of an owner that is provided to the comptroller is confidential.

Id. § 74.104(a), (b). You explain the submitted social security number was provided to the comptroller's office in a report made pursuant to chapter 74 of the Property Code by a holder of an abandoned property. Based on your representations and our review, we find the comptroller's office has demonstrated that section 74.104 applies to the submitted social security number. Thus, the submitted social security number is confidential and must be withheld under section 552.101 of the Government Code in conjunction with section 74.104(b) of the Property Code.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/ag

¹Chapter 76 of the Property Code applies to property held by a school district, municipality, or county that is presumed abandoned under chapter 72 or chapter 75 and is valued at \$100 or less. *See* Prop. Code § 76.001. Chapter 74 of the Property Code does not apply to property that is subject to chapter 76 of the Property Code. *See* Prop. Code § 74.001.

Ref: ID# 451213

Enc. Submitted documents

c: Requestor
(w/o enclosures)