



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

GERALD C. MANN
~~WILLIAMSON~~
ATTORNEY GENERAL

Sum-157

Honorable Homer Garrison, Jr., Director
Texas Department of Public Safety
Camp Mabry
Austin, Texas

Dear Sir:

Opinion No. 0-4976
Re: Whether State Department of
Public Welfare may furnish
Texas Department of Public
Safety with a list of names of
persons receiving assistance
under Public Welfare Act of
1941.

You have recently requested the opinion of the Attorney General of Texas as to whether the State Department of Public Welfare is permitted to furnish the Texas Department of Public Safety with a list of the recipients of "aid to the blind." In your letter you state:

"Our only reason for requesting this list is to enable us to analyze these cases and determine if any of the recipients are operating motor vehicles on the highways and if so, cause them to be examined to demonstrate their ability to drive. Such a list would be treated strictly confidentially within our own Department and will not leave our files."

The confidential nature of the records of the State Department of Public Welfare is determined by Section 33 of the Public Welfare Act of 1941, same being Section 33 of House Bill No. 611, Acts of the 47th Legislature, (Section 33, Article 695c, Vernon's Annotated Civil Statutes), which provides:

"It shall be unlawfull, except for purposes directly connected with the administration of general assistance, old age assistance, aid to the blind, or aid to dependent children, and in accordance with the rules and regulations of the State Department, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of, or

names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files, or communications of the State Department or subdivisions or agencies thereof, or acquired in the course of the performance of official duties."

The Public Welfare Act of 1939, repealed by Acts of the 47th Legislature, contained a corresponding provision to Section 33, supra. Referring to records of the Department of Public Welfare, the Act of 1939 provided that such records "shall be open to inspection only to persons duly authorized by the State, or the United States, to make such inspection in connection with their official duties." The Act of 1941 however makes no such exception.

It is therefore the opinion of this department that the State Department of Public Welfare is not permitted to furnish the Texas Department of Public Safety with a list of names of persons, nor any information concerning persons applying for or receiving assistance through the State Department of Public Welfare.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/E.G. Pharr
E.G. Pharr
Assistant

EGP:db:wc

APPROVED DEC 9, 1942
s/Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee By s/BWB Chairman