

TEXAS ASSOCIATION of COUNTIES**MEMORANDUM**

TO: COUNTY CLERKS AND DISTRICT CLERKS
FROM: TAC LEGAL DEPARTMENT
RE: AG OPINION RE: SOCIAL SECURITY NUMBERS
DATE: FEBRUARY 23, 2007

On February 21, 2007, the Attorney General issued GA-0519. In summary, this opinion provides as follows:

1. The social security number ("SSN") of a living person is confidential;
2. The confidentiality of SSNs applies to all records in the County Clerk's office that are subject to the Public Information Act ("PIA") (presumably this would also be true for any non-judicial records held by the District Clerk);
3. It is a criminal offense to disclose confidential information;
4. The Public Information Act does not authorize clerks to redact SSNs from original documents maintained in the Clerk's records;
5. Clerks can certify records from which the SSN has been redacted, but the certification must reflect the SSNs have been redacted;
6. Prior to posting on the internet, the Clerk must redact the SSNs of living persons from any records subject to the PIA; and
7. The Clerk may presume that a requested SSN belongs to a living person unless the facts known to the Clerk establish otherwise.

We are aware that this opinion will create a number of complex logistical and fiscal issues. The Texas Association of Counties is discussing these issues with a number of parties, but any solution will not be immediate.

In the interim, we advise you to consult with your County Attorney and obtain a written opinion advising you how to process requests for inspection or copying under the Act. Until you can get such an opinion, you should proceed with extreme caution. In light of the criminal penalties for disclosing confidential information, it would appear to be unwise to allow the public access to any information until you establish that the information requested does not contain a social security number. We realize that most of you have limited resources, and that the Attorney General's ruling will have the effect of hampering access to public information, at least until a variety of legal, financial and logistical issues can be resolved.