



# **REDACTION**

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**The laws, opinions, issues and reality**

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# GA-0519 (Feb 2007)

- ∴ Summary: The social security number ("SSN") of a living person is confidential and subject to mandatory exception from required disclosure under section 552.147(a) of the Public Information Act ("PIA"). Distributing confidential information under the PIA is a criminal offense. Section 552.147(b) of the PIA provides an administrative procedure by which a governmental body may redact confidential SSNs from public information without first obtaining an attorney general decision.
- ∴ The confidentiality of SSNs of living persons under 552.147 of the PIA applies to all county clerk records subject to the PIA.
- ∴ Section 552.147 of the PIA does not authorize a county clerk to redact SSNs from original documents maintained in the clerk's records.
- ∴ When a county clerk redacts a SSN from a copy of a document maintained by the clerk's office, the clerk may label the copy as a "certified copy," but such certification must reflect that SSNs have been redacted.
- ∴ Prior to posting a record on the Internet, the clerk must redact the SSNs of living persons from any record subject to the PIA.
- ∴ For purposes of section 552.147 of the PIA, a governmental body may presume that a requested SSN belongs to a living person unless the facts before the governmental body show otherwise.

# FEDERAL LAW re SSN

- ∞ PUBLIC LAW 101-624, 104 STAT 3359  
PASSED 1990 and 42 U.S.C. Sec.  
405(c)(2)(viii)(I) states in part: Social security  
account numbers and related records that are  
obtained or maintained by authorized persons  
pursuant to any provision of law enacted on or  
after October 1, 1990, shall be confidential, and no  
authorized person shall disclose any such social  
security account number or related record.

# HB 2061 (eff 03/28/07)

- ⌚ SSN are not confidential under Texas law
- ⌚ No penalty for Clerk to release SSN for viewing or purchase of docs
- ⌚ Preparer of doc shall not include SSN
- ⌚ The owner of the SSN may make a written request to the clerk to redact first 5 digits.

# According to OCA prior to GA-0519 and HB 2061 (Fed law trumps TX law)

- Ω 1. Final Order in Suit Affecting the Parent-Child Relationship  
Family Code Sec. 105.006
- Ω 2. Order of Withholding                      Sec. 8.152
- Ω 3. Petition to Change the Name of an Adult Sec. 45.102
- Ω 4. Application for Marriage License Sec. 2.004
- Ω 5. Domestic Relations Order              Sec. 804.003
- Ω 6. Petition for Suspension of License due to Non-Payment of Child  
Support Sec. 232.005
- Ω 7. Petition to Establish or Modify a Support Order Sec. 159.311
- Ω 8. Petition to Determine Parentage Sec. 159.311
- Ω 9. Child Support Lien Notice Sec. 157.313
- Ω 10. Record of Case in Which Person is Charged with Violation of the  
Law Regulating the Operation of Vehicles on Highways  
Transp. Code Sec. 543.201

# LATEST WORD FROM OCA (6/07) after GA-0519 and HB 2061

- ∞ After conducting extensive research on this issue, OCA advises clerks that 42 U.S.C. § 405 (c)(2)(C)(viii)(I) does not apply to Clerks of Court because court clerks do not meet the statutory definition of "authorized persons" who obtain or maintain SSNs "pursuant to any provision of law enacted on or after October 1, 1990." Accordingly, the Clerks Procedure Manuals will be amended to reflect this finding in the next update.

# SSN PRIVACY AFTER GA-0519, HB 2061 & OCA reconsideration

## Ω COUNTY CLERK RECORDS:

- MARRIAGE LICENSE APPLICATION (TX law: 9/03)
- DD214 (TX law: 09/03)
- Upon request of owner (HB 2061)

## Ω DISTRICT CLERK RECORDS:

- Ordered by the court
- Upon request of owner (HB 2061)

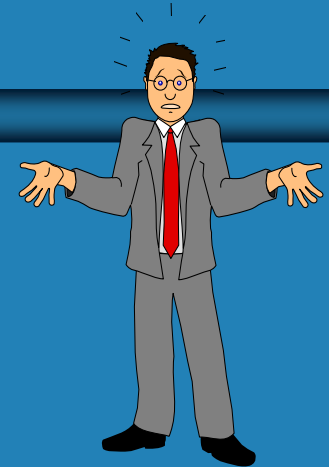
# REDACTION PROCESS

∞ **TEXAS LAW:** owner of SSN may redact prior to filing the document or submit a written request to have the first 5 digits redacted.

- Clerk shall redact from the recorded document.
- Maintain the written request for up to 2 years (1 yr approved/2 yr denied)
- Change certification stamp to indicate redaction (a portion of a personal identifying number may have been redacted as allowed by law).

∞ **FLORIDA MODEL:** redact all digits except last 4 of the following: SSN, DLN, BAN, C/DN (NOTE: 2.6% of the total docs reviewed were found to have personal data that needed redacting).

# REALITY



Ω **WHO THE HECK KNOWS ...**

Ω **Obtain change to Rules of Court**

Ω **Develop a plan and have CA/DA review for compliance of state & fed laws.**

Ω **Bottom line - No one will complain if you redact all but the last 4 digits of a number.**