

## PREVIOUSLY DETERMINED EXCEPTIONS – CONFIDENTIAL INFORMATION

### SECTION 552.114 - Information on a Student or Education Record

This OAG generally applies the same analysis under section 552.114 of the Government Code and FERPA. Open Records Decision No. 539 (1990).

Additionally, in Open Records Decision No. 634 (1995), the OAG concluded that (1) an educational agency or institution may withhold from public disclosure information that is protected by FERPA and excepted from required public disclosure by sections 552.026 and 552.101 without the necessity of requesting an attorney general decision as to those exceptions, and (2) an educational agency or institution that is state-funded may withhold from public disclosure information that is excepted from required public disclosure by section 552.114 as a "student record," insofar as the "student record" is protected by FERPA, without the necessity of requesting an attorney general decision as to that exception. See Open Records Decision No. 634 at 6-8 (1995).

### Open Records Decision No. 684 (2009)

The attorney general issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold the following items without the necessity of requesting an attorney general decision:

1. **SECTION 552.101 - Direct Deposit Authorization Form** - A direct deposit authorization form under section 552.101 in conjunction with the common-law right to privacy.
2. **SECTION 552.101 - Employment Eligibility Verification Form I-9** - A Form I-9 and attachments under section 552.101 in conjunction with section 1324a of title 8 of the United States Code.
3. **26 U.S.C.A. § 6103(A) - W-2 and W-4 Forms** - W-2 and W-4 forms under section 552.101 in conjunction with section 6103( a) of title 26 of the United States Code.
4. **SECTION 552.101 in conjunction with SECTION 560.003- A certified agenda and tape of a closed meeting** - A certified agenda and tape of a closed meeting under section 552.101 in conjunction with section 551.104 of the Government Code.
5. **SECTION 560.003 – Fingerprints** - A fingerprint under section 552.101 in conjunction with section 560.003 of the Government Code.
6. **SECTION 552.101 in conjunction with SECTION 1701.306 of the Occupations Code - L-2 and L-3 Declarations** - Law Enforcement Officer Standards and Education ("TCLEOSE") for issuing a license to a person as an officer or county jailer are confidential: the Licensee Medical Condition Declaration (L-2) and the Licensee Psychological and Emotional Health Declaration (L-3). L-2 and L-3 declarations under section 552.101 in conjunction with section 1701.306 of the Occupations Code.

**7. SECTION 552.130(a) - Motor Vehicle Record Information** - Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number under section 552.130

**8. SECTION 552.136 - Access Device Information** - Access device means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another access device may be used to:

- (1) obtain money, goods, services, or another thing of value;
- or
- (2) initiate a transfer of funds other than a transfer originated solely by paper instrument.

A credit card number, debit card number, charge card number, insurance policy number, bank account number, and bank routing number under section 552.136.

**9. SECTION 552.137 - Email Addresses of Members Of The Public** - An e-mail address of a member of the public under section 552.137.

**10. SECTION 552.140 - Military Discharge Records** – A Form DD-214 or other military discharge record that is recorded or first comes into the possession of a governmental body on or after September 1, 2003.

**SECTION 552.024 - Public Access Option of Public Employee/Official** - Under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G. Home address, home telephone number, emergency contact information, social security number, and/or family member information of a public employee or official.

**SECTION 552.147: Social Security Numbers** - A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.