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# Texas House exempts courthouse clerks from privacy laws

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**March 06, 2007** (Computerworld) The Texas House of Representatives late Monday passed an emergency bill that essentially exempts courthouse clerks in Texas from state and federal Social Security number confidentiality laws.

The bill, sponsored by Rep. Jim Keffer, allows county and district clerks to disclose "in the ordinary course of business" Social Security numbers contained in public records maintained by their offices. It also holds that such disclosure is not "official misconduct and does not subject the clerk to civil or criminal liability" under the state's privacy laws.

The [measure](#) also states that Social Security numbers should not be included in future public records filed with county governments. And it gives individuals the right to ask that their Social Security numbers be removed from existing public records. In such cases, all but the last four digits of the numbers will be removed, but it is up to the individuals to identify the specific documents from which the numbers are to be redacted.

The bill now moves to the Senate for approval. If passed by a two-thirds majority, it would go into effect immediately.

The legislation effectively neuters a recent opinion by Texas Attorney General Greg Abbott ruling the disclosure of Social Security numbers in public documents to be a violation of both state and federal privacy laws. Abbott's Feb. 23 opinion basically made it a criminal offense -- punishable by jail time and fines -- for clerks to disclose Social Security numbers when making court records available to the public. In effect it would have forced courthouse clerks to check for Social Security numbers on each of the millions of pages of public records they maintain and then redact them from the documents in which they exist.

The ruling came in response to an inquiry by Fort Bend County's district attorney in 2005 about how its county clerk was expected to deal with Social Security numbers when they are present in public records.

Abbott's ruling caused an uproar among county and district clerks in the state who were panicked by the prospect of being held criminally liable for actions they said were carried out as part of their normal business. Many shut down or severely restricted public access to court records and sought help from state legislators who last Thursday hastily introduced a House bill seeking to absolve clerks of criminal and civil liabilities for disclosing confidential information.

In response to such concerns, on Feb. 28 Abbott announced that he would abate his opinion for 60 days while legislators debated the issue.

The passage of HB 2061 is likely to come as a disappointment to privacy advocates who have been

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concerned about a trend in many county governments around the country, including Fort Bend, to post images of public records on the Web. They have argued that putting public records containing personal information on the Internet has greatly broadened access to sensitive data and heightened the risk of misuse. They contend that the trend has made many county Web sites a veritable treasure trove of information for identity thieves and other fraudsters.

"Identity thieves all over the world must be celebrating today," said David Bloys, a retired private investigator who publishes a newsletter called **News For Public Officials**, in Shallowater, Texas. "This could have been avoided by simply telling the handful of Texas counties that were online to pull their Web sites offline. It is the online records that threaten Texans and the online counties that have put us all at risk."

Some states, such as Florida, already have laws in place that require courthouse clerks to remove confidential data from public records posted on the Web.