



September 4, 2007

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex K)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: Social Security Numbers In The Private Sector -- Project No. P075414

Dear Commissioners:

The Texas Land Title Association ("TLTA") is a professional association representing nearly 2500 title agents and companies providing services related to the land title industry. We are pleased to have the opportunity to submit comments on the topic of Social Security Numbers ("SSNs") in the private sector.

As the Commission undertakes a review of the use of SSNs in the private sector, we wanted to make you aware of a situation that occurred in Texas earlier this year that threatened to disrupt the residential and commercial real estate markets in our State. In February, the Attorney General of Texas released an opinion stating that SSNs were confidential and that county clerks of court would be held criminally responsible if the numbers were released. This immediately caused the majority of the 254 county courthouses to either shut down or limit the real estate industry's access to official public records.

Our Association led the effort to modify this decision with legislation in order to end the disruption to real estate markets. We were joined in this effort by other Associations in Texas, including The County and District Clerks Association, The Texas Association of Counties, The Texas Association of Realtors, and many members of the oil and gas industry.

The Attorney General quickly recognized the magnitude of his decision. He imposed a 60 day moratorium on his opinion. This allowed the legislature to act quickly. Within 21 days, the Governor signed a bill to address this situation. House Bill 2061 requires the following:

- A county or district clerk is not liable for the disclosure of a SSN contained in a filed document
- Upon written request by an individual, the redaction of all but the last four digits of an SSN from documents specified by the individual, unless another law requires the full SSN to be on the document
- Clerks must accept documents for filing even if they contain SSNs and does not require the clerk to confirm that a document preparer actually redacted a SSN from a document.
- The preparer of a document will not include the SSN on deeds or deeds of trust.

While we appreciate the need for confidentiality and strongly support efforts to prevent identify theft, all parts of the Texas government recognized the importance of preventing disruption to the real estate markets and our ability to properly conduct accurate and timely title searches. We believe that it is important for the Commission, at the federal level, to carefully consider any action going forward that would restrict private sector access to SSNs, that may be contained in real estate records, when engaged in the real estate title search and settlement process.

Thank you for your attention to this particular issue in the larger context of the review of SSNs in the private sector. Please do not hesitate to contact me at my office in San Antonio, Texas at .

Sincerely,

Sheri B. Asbell
President