

YOUR PRIVACY YOUR LIFE



Texas State Law exempts County Clerks from liability if they release Personal Identifiable Information (PII) in the course of their job. However, each clerk has the discretion to redact (remove) the

Social Security Number of a living person from any documents that the clerk MUST release as a matter of public record.

Even if the current clerk does not choose to redact this information, each citizen is entitled to file a "Request for Redaction" for each document with PII on it, and the clerk is ordered to redact the SSN in a reasonable amount of time. THE LAW authorizing this follows:

Social Security Number Redaction

County clerks may redact social security numbers of a living person and must redact all but the last four digits of the social security number if an individual or his or her representative requests redaction in writing. **Govt. Code Sec. 552.147(d)**



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THE TRUTH ABOUT PUBLIC AND PRIVATE INFORMATION



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THE TRUTH ABOUT PUBLIC AND PRIVATE INFORMATION



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I have continuously stated that I plan to follow the letter of THE LAW with regard to public information and every other aspect of the Clerk's office, even in cases where THE LAW is not currently being adhered to. To clarify and provide you with the truth, as opposed to distortions, please see the following section of the Texas law, with which all County Clerk's office should be thoroughly familiar:

Birth Records

A birth record is public information but is not to be made available to the public until the 75th anniversary of the date of birth shown on the record.

Gov't Code Sec. 552.115 and Local Gov't. Code Sec. 191.004 (c)

Death Records

A death record is public information but is not to be made available to the public until the 25th anniversary of the date of death as shown on the death record. **Gov't Code Sec. 552.115 and Local Gov't Code. 191.004 (c)**

Military Discharge Records

If the military discharge record was recorded with the county clerk prior to September 1, 2003, then the veteran who is the subject of the record (or the veterans legal guardian) may direct, in writing, that the county clerk



destroy all copies of the record that the county clerk makes available to the public as required by Section 191.006 of the Local Government Code. The county clerk must comply with the request within 15 business days after the date the direction is received.

Military Discharge Records (cont.)

*If the military discharge record is recorded on or after September 1, 2003, then the record is confidential for 75 years following the date of recordation. **Gov't Code Sec. 552.140***

****NOTE that Birth, Death, and Military Discharge Records are not being proposed to be archived online, this information is just to clarify any confusion about whether or not they are public records.*

One of the tenets of my plan to update and revitalize the County Clerks office involves putting real property records online in order to give the public, and the real estate related businesses that require this information, more convenient access and more choices in the way they do business. In the interest of transparency, let me clarify any misrepresentation that this would allow your identity to be compromised.



Real Property Records

Deeds and deeds of trust are subject to inspection by the public. These instruments are not required to contain an individual's social security number, but, if they do, the clerk has no duty to redact the social security number unless the individual has requested redaction under the PIA, Government Code sec. 552.147(d). **Prop. Code Sec. 11.008 (a)(b)(e)**

THE LAW already allows the clerk to conduct business in such a manner, yet what I propose to do would **protect you even further than the letter of THE LAW.**

Real Property Records (cont.)

Although there is **no legal authority to remove the PII, I intend to do so**, in accordance with the authority that all county clerks have to redact PII **if they feel so compelled.**

In addition, County Clerks must post a notice in their office stating that deeds and deeds of trust are not required to contain a social security number or driver's license number and are public records available for review by the public. **Sec. 11.008(f)** The county clerk is required BY LAW, to provide any member of the public with all recorded real property records maintained by the clerk's office. *If your PII is in that document, it is being shown to each person who asks to see it in the clerk's presence*, unless the clerk is making use of the same redaction authority that I will use. The clerk is not required to redact that information unless the owner of the information has **filed a request for redaction**, so without a pledge to redact all PII from all copies, in the office and online, you have no way of knowing if that information has been provided to the public. If you are in doubt as to whether your PII could be released upon the request of another citizen, an option would be to file a notarized Redaction Request Form, which the County Clerk must provide.

As with all public officials and candidates for office, please take this information that I've given you and verify it for yourself. You can go to the official source for Texas law at:

www.statutes.legis.state.tx.us

"Trust, but verify!" ~ Ronald Reagan