



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 20, 2008

Ms. Yvette Aguilar  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2008-06924

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 309256.

The City of Corpus Christi (the "city") received a request for copies of the third party agreement or contract between Humana and the city. You state that the city has released most of the requested information, with social security numbers redacted pursuant to section 552.147 of the Government Code.<sup>1</sup> You claim that a portion of the requested information is excepted from disclosure under section 552.136 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.136 of the Government Code provides:

(a) In this section, "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.

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<sup>1</sup>We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

(b) Notwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.

Gov't Code § 552.136. A governmental body must explain, unless it is clear from the face of the document, how the information it seeks to withhold constitutes an access device number for purposes of section 552.136. *See id.* § 552.301(e)(1)(A); Open Records Decision Nos. 542 (1990) (concluding that Act places on governmental body burden of establishing which exceptions apply to requested information and why), 532 (1989), 515 (1988), 252 (1980). Historically, this office has allowed governmental bodies to withhold certain types of access device numbers, such as bank account numbers, credit card numbers, and insurance policy numbers, under section 552.136 because it is obvious how these types of numbers can be used alone or in conjunction with another device to obtain money, goods, or services, or to initiate transfers of funds. *See Gov't Code* § 552.136(a), (b). You seek to withhold the insurance policy numbers and bank account numbers you have marked in the submitted information. Our office requested clarification from the city in order to determine the applicability of section 552.136 to the claimed insurance policy numbers. *See id.* 552.303(c) (providing that attorney general may give written notice to governmental body that additional information is necessary to render a decision). You state that, "The city offers health insurance to its employees through self funded plans administered by Humana Insurance Company. Humana Insurance Company assigns a policy number to each of the different health plans offered by the city. The insurance policy number assigned by Humana Insurance Company when used with a member identification number or social security number can be used to obtain medical and pharmacy services." Upon review, we agree that the city must withhold the insurance policy numbers and bank account numbers you have marked, as well as the routing numbers we have marked, under section 552.136 of the Government Code. The remaining information must be released to the requestor.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the

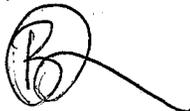
statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can challenge that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Benjamin A. Diener  
Assistant Attorney General  
Open Records Division

BAD/jb

Ref: ID# 309256

Enc. Submitted documents

c: Mr. Domingo Ibarra  
Corpus Christi Police Officers' Association  
3122 Leopard Street  
Corpus Christi, Texas 78408  
(w/o enclosures)