



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 4, 2009

Ms. Susan K. Bohn
General Counsel
Lake Travis Independent School District
3322 Ranch Road 620 South
Austin, Texas 78738

OR2008-01443

Dear Ms. Bohn:

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# 333921.

The Lake Travis Independent School District (the "district") received twelve requests from the same individual for several categories of information, including information related to non-school use of school facilities and contracts and payments between a specified individual and the district.¹ You state that some of the information has been released to the requestor. You claim that the requested information is excepted from disclosure under sections 552.117, 552.130, 552.136, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that the submitted information contains bank account and routing numbers in Tabs 1 and 2. You inform us that the requestor has agreed to the redaction of these account numbers. Thus any account numbers we have marked in Tabs 1 and 2 are not responsive to the present requests. Our ruling does not address this non-responsive information and the district need not release it.

We next note that the district did not comply with section 552.301 of the Government Code in requesting this decision. Section 552.301 prescribes procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Section 552.301(e) requires a governmental body to submit to the attorney general, not later than the fifteenth business day after the date of its receipt of the request, (1) written comments stating why the governmental body's claimed exceptions apply to the

¹As you have not submitted the requests for our review, we take our description from your brief.

information that it seeks to withhold; (2) a copy of the written request for information; (3) a signed statement of the date on which the governmental body received the request, or evidence sufficient to establish that date; and (4) the specific information that the governmental body seeks to withhold or representative samples if the information is voluminous. *See* Gov't Code § 552.301(e)(1)(A)-(D). As of the date of this decision, this office has not received a copy of the request for information. Consequently, we find the district failed to comply with the requirements of section 552.301.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to submit to this office the information required in section 552.301(e) results in the legal presumption that the information is public and must be released. This statutory presumption can generally be overcome when information is confidential by law or third-party interests are at stake. *See* Open Records Decision Nos. 630 at 3 (1994), 325 at 2 (1982). Because the district's claims under sections 552.117, 552.130, 552.136, and 552.137 of the Government Code can provide compelling reasons for non-disclosure, we will consider whether these exceptions are applicable.

You claim portions of the submitted information are subject to section 552.117. Section 552.117(a)(1) of the Government Code excepts from disclosure the current and former home addresses, telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Whether a particular piece of information is protected under section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may only be withheld under section 552.117(a)(1) on behalf of current or former employees who made a request for confidentiality under section 552.024 prior to the date on which the request for this information was made. You state that the employees whose information you have marked elected to keep their information confidential prior to the date the district received these requests. Thus, the district must withhold the information you have marked under section 552.117(a)(1).

You assert that some of the information in Tab 2 is excepted under section 552.130 of the Government Code, which provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). We agree that the district must withhold the Texas motor vehicle record information you have marked under section 552.130.

Next, you claim that a portion of the information in Tab 3 is protected under section 552.136 of the Government Code. Section 552.136 states that "[n]otwithstanding 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(b). An access device number is one that 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, and includes an account number. *Id.* § 552.136(a). Thus, we agree the district must withhold the insurance policy number contained in Tab 3 under section 552.136 of the Government Code.

Finally, you claim that the remaining information in Tab 3 also contains an e-mail address that is excepted from disclosure under section 552.137 of the Government Code. This section requires a governmental body to withhold the e-mail address of a member of the general public, unless the individual to whom the e-mail address belongs has affirmatively consented to its public disclosure. *See* Gov't Code § 552.137(b). The e-mail address you have marked is not a type specifically excluded by section 552.137(c). You inform us that the owner of the e-mail address has not affirmatively consented to its release. Therefore, the district must withhold the e-mail address you have marked under section 552.137.

In summary, the district must withhold: (1) the Texas motor vehicle information you have marked under section 552.130 of the Government Code; (2) the information you have marked under section 552.117 of the Government Code; (3) the insurance policy number you have marked under section 552.136; and (4) the e-mail address you have marked under section 552.137 of the Government Code. The remaining responsive information must be released.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/eeg

Ref: ID# 333921

Enc. Submitted documents

c: Requestor
(w/o enclosures)