



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 27, 2009

Mr. Scott A. Kelly  
Interim General Counsel  
Texas A&M University  
200 Technology Way, Suite 2079  
College Station, Texas 77845-3424

OR2009-05515

Dear Mr. Kelly:

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# 341103.

Texas A&M University (the "university") received a request for information pertaining to the university's Muslim Student Association; specifically including "all funding received by the Muslim Student Association at Texas A&M in 2007 and 2008, whether it be from individuals, businesses [sic], charities, organizations, [the university], or state or local government . . . [and] any records of donations or payments they made, including the amount of donation and who it went to for the years 2007 and 2008." You state the university is withholding some information pursuant to the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.<sup>1</sup> You claim that portions of the submitted information are exempt from disclosure under sections 552.136 and 552.137 of the Government Code.<sup>2</sup> We have considered the exceptions you claim and reviewed the submitted information.

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); *see also* § 552.136(a) (definition of "access device number" includes account numbers). Thus,

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<sup>1</sup>The United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office that FERPA does not permit state and local educational authorities to disclose to this office, without parental consent, unredacted, personally identifiable information contained in education records for the purpose of our review in the open records ruling process under the Act. The DOE has determined that FERPA determinations must be made by the educational authority in possession of the education records. We have posted a copy of the letter from the DOE to this office on the Attorney General's website: <http://www.oag.state.tx.us/open/20060725usdoe.pdf>.

<sup>2</sup>We note the university has withdrawn its assertion under section 552.1235 of the Government Code.

the university must withhold the account numbers you have marked under section 552.136 of the Government Code.

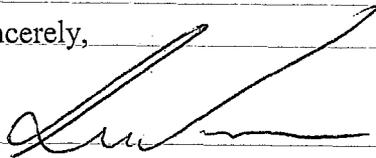
Section 552.137 of the Government Code requires a governmental body to withhold the e-mail address of a member of the general public, unless the individual to whom the e-mail address belongs has affirmatively consented to its public disclosure. *See* Gov't Code § 552.137(b). The e-mail addresses at issue are not a type specifically excluded by section 552.137(c). *See id.* § 552.137(c). Moreover, you inform us the university has not received consent for the release of the e-mail addresses at issue. Therefore, the university must withhold the e-mail addresses that you have marked under section 552.137 of the Government Code.

In summary, the university must withhold the account numbers you have marked under section 552.136 of the Government Code and the personal e-mail addresses you have marked under section 552.137 of the Government Code. The remaining information must be released to the requestor.

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](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,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/eeg

Ref: ID# 341103

Enc. Submitted documents

c: Requestor  
(w/o enclosures)