



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 14, 2009

Ms. Samantha Friedman
Law Offices of J.C. Brown, P.C.
1411 West Avenue, Suite 100
Austin, Texas 78701

OR2009-14528

Dear Ms. Friedman:

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# 358424.

The Bastrop Police Department (the "department"), which you represent, received a request for information taken into possession of the department during a specified investigation. You claim that portions of the submitted information are excepted from disclosure under section 552.136 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You contend that the safe combination in the submitted information is confidential under section 552.136(b) of the Government Code, which 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. 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). We agree that the safe combination, which we have marked, constitutes an access device number for the purposes of section 552.136. However, the purpose of section 552.136 is to protect the privacy interests of individuals. The right of privacy lapses at death; thus information that pertains solely to a deceased individual may not be withheld under section 552.136. *See Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. App.—Texarkana 1979, writ ref'd n.r.e.); Open Records Decision

No. 272 at 1 (1981). Thus, to the extent a living person has an ownership interest in the safe at issue, the department must withhold the marked safe combination under section 552.136. Conversely, if no living person owns an interest in the safe, the department must release the marked safe combination. 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, 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, toll free, at (888) 672-6787.

Sincerely,



Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/jb

Ref: ID# 358424

Enc. Submitted documents

c: Requestor
(w/o enclosures)