



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 3, 2014

Mr. Matthew M. Coleman
Swchartz & Eichelbaum Wardell Mehl and Hansen P.C.
4201 West Parmer Lane, Suite A-100
Austin, Texas 78727

OR2014-03689

Dear Mr. Coleman:

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# 515452.

The Mission Consolidated Independent School District (the "district"), which you represent, received a request for specified information pertaining to the requestor's client; specified policies, procedures, guidelines, and handbooks; information pertaining to specified complaints made by the requestor's client; specified job descriptions; information related to four named employees, excluding social security numbers, Texas driver's license numbers, and home phone numbers; and specified route assignments. You state the district has released most of the requested information. You also state the district has withheld some information pursuant to the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code.¹ You claim some of the submitted

¹The 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 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>.

information is excepted from disclosure under section 552.136 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

Initially, we note a portion of the submitted information may be subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

...

(15) information regarded as open to the public under an agency's policies[.]

Gov't Code § 552.022(a)(15). The submitted information includes a job description that must be released pursuant to section 552.022(a)(15) if the district considers this item to be open to the public under its policies, unless the information is expressly confidential under the Act or other law. *See id.* Because section 552.136 of the Government Code makes information confidential under the Act, we will address your argument under this exception for the job description that may be subject to section 552.022(a)(15) as well as the remaining information.

Section 552.136 of the Government Code provides as follows:

(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.

(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.

²We note that although you raise section 552.101 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim this section applies to the submitted information. *See* Gov't Code §§ 552.301, .302.

Gov't Code § 552.136. You state the funding account numbers you have marked are used by the district to track, monitor, and transfer money designated for specific purposes via electronic methods. You also state the marked account numbers can be used to obtain money or other things of value from the district. Based on your representations and our review, we find the account numbers you have marked are subject to section 552.136 of the Government Code and must be withheld on that basis. As you raise no further exceptions to disclosure, the remaining 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/som

Ref: ID# 515452

Enc. Submitted documents

c: Requestor
(w/o enclosures)