



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 20, 2014

Ms. Catelyn H. Kostbar
Administrative Technician III
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2014-14660

Dear Ms. Kostbar:

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# 536083 (ref. no. 14-2805).

The Harris County Appraisal District (the "district") received a request for the iFile numbers for two specified accounts. The district states it will provide some of the requested information to the requestor, but claims the submitted responsive information is excepted from disclosure under section 552.136 of the Government Code. We have considered the claimed exception and reviewed the submitted information.¹

Initially, you acknowledge most of the information you have submitted to us for review is not responsive to the request for information because it does not consist of the requested iFile numbers. This ruling does not address the public availability of any information that is not responsive to the request, and the district is not required to release this information in response to this request.

¹You acknowledge, and we agree, the district did not comply with the requirements of section 552.301 of the Government Code. See Gov't Code § 552.301(b), (e). Nonetheless, section 552.136 of the Government Code is a mandatory exception that can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301. See *id.* §§ 552.007, .302. Thus, we will consider the district's claim.

Section 552.136 of the Government Code provides in part the following:

(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.

Gov’t Code § 552.136(a)-(b). You represent the responsive iFile numbers can be used to access confidential property information. You state this confidential property information is valuable to property owners and third-party professionals involved in the protests of property tax appraisals. Based on your representations and our review, we agree the iFile numbers constitute access device numbers for purposes of section 552.136(a). However, you also inform us the requestor may be the owner or representative of the owner of the iFile numbers. Thus, the requestor may have a right of access to the responsive information that would otherwise be confidential under section 552.136. *See id.* § 552.023(a) (“person’s authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and that is protected from public disclosure by laws intended to protect that person’s privacy interests”); Open Records Decision No. 481 at 4 (1987). Accordingly, we must rule conditionally. If the requestor is the owner or authorized representative of the owner of the responsive iFile numbers, then the district may not withhold this information under section 552.136 but, instead, must release it to her pursuant to section 552.023 of the Government Code. If the requestor is not the owner or authorized representative of the owner of the responsive iFile numbers, then the district must withhold this information under section 552.136 of the Government Code.

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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/eb

Ref: ID# 536083

Enc. Submitted documents

c: Requestor
(w/o enclosures)