



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 10, 2014

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

OR2014-15957

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# 535775 (HCAD Ref. #14-2673C).

The Harris County Appraisal District (the "district") received a request for a specified account number and iFile number. The district states it has released some information to the requestor. The district claims some of the submitted information is excepted from disclosure under section 552.136 of the Government Code.¹ We have considered the exception the district claims and reviewed the submitted information.

Section 552.136 of the Government Code states "[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). Section 552.136(a) defines "access device" as "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 . . . obtain money, goods, services, or another thing of value [or] initiate

¹We note, and you acknowledge, the district did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b). Nonetheless, because section 552.136 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

a transfer of funds other than a transfer originated solely by paper instrument.” *Id.* § 552.136(a). The district states the iFile number at issue can be used to access confidential property information that is valuable to property owners and third party professionals involved in the protests of property tax appraisals. Based on the district’s representations and our review, we agree the iFile number at issue is an access device number for purposes of section 552.136(a). We note section 552.136 protects privacy interests. In this instance, the requestor may be the individual whose information is at issue. If so, the requestor has a right of access to this information pursuant to section 552.023 of the Government Code. *See generally id.* § 552.023; *see* Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Accordingly, if the requestor is the individual whose information is at issue, then the district may not withhold the iFile number from this requestor under section 552.136. If the requestor is not that individual, then the district must withhold the iFile number under section 552.136.

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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 535775

Enc. Submitted documents

c: Requestor
(w/o enclosures)