



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 11, 2014

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

OR2014-16029

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# 535918 (HCAD Internal Reference No. 14-2773).

The Harris County Appraisal District (the "district") received a request for a specified iFile number. You claim the responsive information is excepted from disclosure under section 552.136 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

You assert, and we agree, the information you have indicated is not responsive to the instant request for information because it does not consist of the requested information. This ruling does not address the public availability of non-responsive information, and the district is not required to release non-responsive information in response to this request.

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,

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<sup>1</sup>We note, and you acknowledge, the district did not comply with the requirements of section 552.301 of 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 failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will consider the district's claim.

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 a transfer of funds other than a transfer originated solely by paper instrument.” *Id.* § 552.136(a). You state the iFile number at issue can be used to access confidential information that is valuable to third party professionals, such as tax consulting firms. Based on your 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 owner of the information at issue. If so, the requestor has a right of access to the this information pursuant to section 552.023 of the Government Code. *See generally id.* § 552.023 (“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”); *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 owner of the information at issue, the district may not withhold the responsive information from this requestor under section 552.136 and it must be released pursuant to section 552.023 of the Government Code. If the requestor is not the owner, then the district must withhold the responsive 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](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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

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Ref: ID# 535918

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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