



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 12, 2014

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

OR2014-16170

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# 535916 (HCAD Internal Ref. No. 14-2699).

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

As you acknowledge, the requestor only seeks the iFile number for the specified account. Accordingly, any other information is not responsive to the request for information. This ruling does not address the availability of non-responsive information, and the district need not release non-responsive information to the requestor.

Section 552.136 of the Government Code states, "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(b). Section 552.136(a) defines "access device" as "a card, plate, code, account number, personal identification number, electronic serial number, mobile

¹We note the district failed to comply with the procedural requirements of subsections 552.301(b) and (e) of the Government Code by failing to meet its 10-business-day and 15-business-day deadlines. *See* Gov't Code § 552.301(b), (e). Nonetheless, the applicability of section 552.136 of the Government Code can constitute a compelling reason sufficient to overcome the presumption of openness caused by the failure to comply with section 552.301. *See id.* §§ 552.007, .302. Therefore, we will address the district's assertion under this exception.

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). We note section 552.136 protects privacy interests. You represent that iFile numbers 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 your representations and our review, we agree the iFile number at issue is an access device number for purposes of section 552.136(a). In this instance, however, the requestor may be the individual whose privacy interests are at issue or the spouse of that individual. Thus, the requestor may have a right of access to information that would otherwise be confidential under section 552.136. *See id.* § 552.023 (“person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests”); *see also* 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 privacy interests are at issue, or if the requestor is acting as the authorized representative of her spouse, then the district may not withhold the submitted iFile number from this requestor under section 552.136. If the requestor is not the individual whose privacy interests are at issue, or the requestor is not acting as the authorized representative of her spouse, then the district must withhold the submitted iFile number 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,



Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/akg

Ref: ID# 535916

Enc. Submitted documents

c: Requestor
(w/o enclosures)