



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 24, 2014

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

OR2014-21352

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# 544425 (HCAD Internal Ref. No. 14-3171B).

The Harris County Appraisal District (the "district") received a request for specified property cards. You state the district has released some of the requested information. You claim portions of the submitted information are excepted from disclosure under sections 552.130 and 552.136 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. Gov't Code § 552.130(a). We note section 552.130 protects privacy interests. In this instance, the requestor may be the authorized representative of the owners of the vehicles to which the VINs and license plate numbers we have marked pertain. If so, the requestor has a right of access to this information pursuant to section 552.023 of the Government

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), (e). Nonetheless, because sections 552.130 and 552.136 of the Government Code can provide compelling reasons to overcome the presumption of openness, we will consider their applicability to the submitted information. See *id.* §§ 552.007, .302, .352.

Code. *See id.* § 552.023 (“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* Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Accordingly, if the requestor is the authorized representative of the owners of the vehicles at issue, then she has a right of access to the information at issue pursuant to section 552.023, and this information may not be withheld from her under section 552.130. If the requestor is not the authorized representative of the owner of the vehicles at issue, then the district must withhold the information we have marked under section 552.130 of the Government Code. However, the remaining information you have marked does not consist of motor vehicle record information. Thus, the district may not withhold the remaining information you have marked under section 552.130 of the Government Code.

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 a transfer of funds other than a transfer originated solely by paper instrument.” *Id.* § 552.136(a). You represent the iFile numbers in the submitted information 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 numbers at issue are access device numbers for purposes of section 552.136(a). Accordingly, the district must generally withhold the iFile numbers we have marked under section 552.136(b) of the Government Code.

However, as noted above, the requestor may be the authorized representative of the property owners whose access device numbers are at issue. If so, the requestor has a right of access to the access device numbers at issue pursuant to section 552.023 of the Government Code. *See id.* § 552.023(a); ORD 481 at 4. Accordingly, if the requestor is the authorized representative of the individuals whose access device numbers are at issue, then she has a right of access to the information at issue pursuant to section 552.023, and this information may not be withheld from her under section 552.136. If the requestor is not the authorized representative of the individuals whose access device numbers are at issue, the district must withhold the iFile numbers we have marked under section 552.136 of the Government Code. However, we find you have failed to demonstrate the applicability of section 552.136 to any of the remaining information you have marked, and the district may not withhold the remaining information on that basis.

In summary, if the requestor is not the authorized representative of the property owners at issue, the district must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. If the requestor is not the authorized representative of the individuals whose access device numbers are at issue, the district must withhold the iFile numbers we have marked under section 552.136 of the Government Code. The district must release the remaining information.

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,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/ds

Ref: ID# 544425

Enc. Submitted documents

c: Requestor
(w/o enclosures)