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ATTORNEY GENERAL OF TEXAS

June 10, 2015

Mr. Kyle T. Gray
Counsel for Tarrant Regional Water District
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500 West 7th Street, Suite 600
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OR2015-11356

Dear M:

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# 566843.

The Tarrant Regional Water District (the "district"), which you represent, received a request for payment and reimbursement records related to four named individuals. The district released information responsive to the request but made redactions as permitted by sections 552.024, 552.130, and 552.136 of the Government Code without requesting a decision from this office. Gov't Code §§ 552.024(c), .130(c), .136(c). Pursuant to section 552.024(c-1), 552.130(d), and 552.136(d), the requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure under sections 552.117(a)(1), 552.130(a), and 552.136(b) of the Government Code. We have considered the district's position and reviewed the information.

Section 552.117 of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of current or former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. *Id.* § 552.117(a). Whether a particular piece of information is protected by section 552.117 must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may be withheld under section 552.117(a)(1) only on behalf of a current or former employee who made a request for confidentiality under

section 552.024 prior to the date of the governmental body's receipt of the request for the information. Information may not be withheld under section 552.117(a)(1) on behalf of a current or former employee who did not timely request under section 552.024 the information be kept confidential. You state the district incorrectly redacted some information for an employee who did not elect to keep that information confidential, and you will provide that information to the requestor. With regard to the remaining information you redacted, you have provided election forms indicating those employees chose to keep their personal information confidential. Accordingly, with the exception of the information you will release to the requestor, the district must withhold the personal information you redacted and the additional information we marked under section 552.117(a)(1) of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit and a motor vehicle title or registration issued by an agency of this state or another state or country. Gov't Code § 552.130(a)(1)–(2). Some of the information you redacted does not consist of motor vehicle record information and is not subject to section 552.130. We have marked that information for release. With the exception of the information we marked for release, the district must withhold the remaining information you redacted and the additional information we marked under section 552.130 of the Government Code.

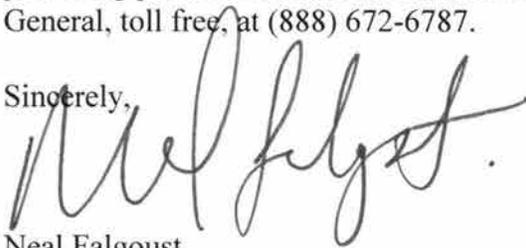
Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” *Id.* § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Some of the information you redacted does not consist of a credit card, debit card, or charge card number, and you have not explained how it constitutes an access device number for purposes of section 552.136. That information is not subject to section 552.136, and we marked it for release. With the exception of the information we marked for release, the district must withhold the information you redacted and the additional information we marked under section 552.136 of the Government Code.

In summary, with the exception of the information you will release to the requestor, the district must withhold the personal information you redacted and the information we marked under section 552.117(a)(1) of the Government Code. With the exception of the information we marked for release, the district must withhold the remaining information you redacted and the information we marked under section 552.130 of the Government Code. With the exception of the information we marked for release, the district must withhold the information you redacted and the information we 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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/bhf

Ref: ID# 566843

Enc. Submitted documents

c: Requestor
(w/o enclosures)