



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 17, 2015

Mr. Ryan D. Pittman  
Counsel for City of Wylie  
Abernathy Roeder Boyd & Hullett, P.C.  
P.O. Box 1210  
McKinney, Texas 75070-1210

OR2015-26629

Dear Mr. Pittman:

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# 592218.

The City of Wylie (the "city"), which you represent, received a request for information concerning certain city expenditures. The city released information responsive to the request but made redactions as permitted by section 552.136(c) of the Government Code without requesting a decision from this office.<sup>1</sup> *See* Gov't Code § 552.136(c). Pursuant to section 552.136(d), the requestor has asked this office to review the information and render a

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<sup>1</sup>The city notified the requestor the redactions were made pursuant to Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold certain categories of information without requesting an attorney general decision. However, the Texas Legislature amended section 552.136 to allow a governmental body to redact information described in section 552.136(b) without a ruling from this office. *See* Gov't Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor of his right to appeal the redactions in accordance with section 552.136(e). *See id.* § 552.136(e). Open Records Decision No. 684 does not permit the requestor to appeal such redactions. Thus, the statutory amendments to section 552.136 of the Government Code supercedes Open Records Decision No. 684, and a governmental body may redact information subject to section 552.136(b) in accordance with section 552.136(c), not Open Records Decision No. 684.

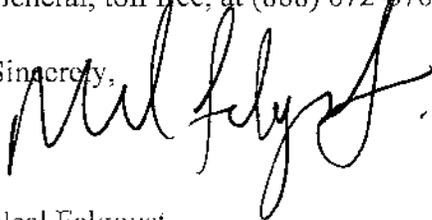
decision as to whether it is excepted from disclosure under section 552.136(b) of the Government Code. We have considered the city's position and reviewed the information.

Section 552.136(b) of the Government Code provides, "notwithstanding 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." Gov't Code § 552.136(b); *see id.* § 552.136(a) (defining "access device"). The information you redacted does not consist of a credit card, debit card, or charge card number; and you have not explained it consists of an access device number. Accordingly, the city may not withhold the information you redacted under section 552.136 of the Government Code and it must be released.

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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/bw

Ref: ID# 592218

Enc. Submitted documents

c: Requestor  
(w/o enclosures)