



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 23, 2009

Ms. Miriam G. Rodriguez
Amigos Del Valley, Inc.
1116 North Conway Avenue
Mission, Texas 78572

OR2009-02342

Dear Ms. Rodriguez:

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# 339452.

Amigos del Valley, Inc. ("ADV") received a request for the following information:

1. checks presented to ADV by the City of Edinburg, along with supporting documentation, for a specified time period;
2. information related to the purchase of vehicles by ADV;
3. current annual salaries of eight named individuals; and
4. names of banking institutions serving as depositories for ADV.

You state that ADV has no information responsive to item two of the request.¹ We understand you to claim that some of the submitted information is excepted from disclosure under section 552.136 of the Government Code. We have considered your claim and reviewed the submitted information.²

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App. – San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

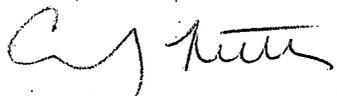
²We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You seek to withhold the account and bank routing numbers you have marked under section 552.136 of the Government Code. Section 552.136 states that “[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. We agree the bank account and bank routing numbers you have marked constitute access device numbers for purposes of section 552.136. Thus, this information must be withheld under section 552.136 of the Government Code. You have failed to demonstrate, however, how the check number you have marked constitutes an access device number. Accordingly, this information, which we have marked for release, may not be withheld under section 552.136 of the Government Code. As you raise no other exception to disclosure, the remaining submitted information must be released to the requestor. *See id.* §§ 552.301(b) (governmental body must ask for a decision from this office and state exceptions that apply within ten business days of receiving written request for information), .302; *see also id.* § 552.022(a)(2) (name, salary, and title of public employee are super public 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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/jb

Ref: ID# 339452

Enc. Submitted documents

c: Requestor
(w/o enclosures)