



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 6, 2009

Mr. Douglas L. Hibbard
Bracewell & Guiliani
711 Louisiana Street, Suite 2300
Houston, Texas 77002-2770

OR2009-04472

Dear Mr. Hibbard:

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# 339014.

The Magnolia Volunteer Fire Department (the "department"), which you represent, received three requests from the same requestor for the itemized cellular phone bills of three named employees paid for by the department. You claim that portions of the requested information are excepted from disclosure under sections 552.117 and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

552.117(a)(1) of the Government Code excepts from public disclosure the home address and telephone number, social security number, and family member information of a current or former official or employee of a governmental body who requests that this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may only be withheld under section 552.117(a)(1) on behalf of a current or former official or 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 official or employee who did not timely request under section 552.024 that the information be kept confidential. You inform us that the information you have marked consists of the

personal information of the named employees, and that each employee elected to keep his personal information confidential before the department received the present request for information. Therefore, the department must withhold the information you have marked under section 552.117(a)(1).

~~You seek to withhold the account numbers and invoice numbers you have marked pursuant to section 552.136 of the Government Code. Section 552.136 provides as follows:~~

(a) In this section, "access device" means 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:

- (1) obtain money, goods, services, or another thing of value; or
- (2) initiate a transfer of funds other than a transfer originated solely by paper instrument.

(b) 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. Upon review, we agree that the account numbers you have marked constitute access device numbers for purposes of section 552.136 of the Government Code and must be withheld pursuant to this exception. However, we find that the invoice numbers you have marked do not constitute access device numbers for purposes of section 552.136, and they may not be withheld on that basis.

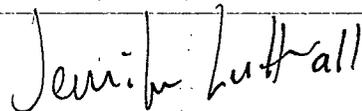
In summary, the department must withhold the information you have marked under section 552.117(a)(1) of the Government Code. The department must also withhold the marked account numbers under section 552.136 of the Government Code. As you raise no further exceptions to disclosure, the remaining information, including the marked invoice numbers, 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.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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/eeg

Ref: ID# 339014

Enc. Submitted documents

c: Requestor
(w/o enclosures)