



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 28, 2010

Ms. Susan K. Bohn
General Counsel
Lake Travis Independent School District
3322 Ranch Road 620 South
Austin, Texas 78738

OR2010-16353

Dear Ms. Bohn:

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# 398345 (080910-DBD/DL 4331, 080910-DC3/DL 4332, 080910-DBF/DL 4333, 080910-DBE/DL 4334, 080910-DC1/DL 4335).

The Lake Travis Independent School District (the "district") received four requests from the same requestor for information related to invoices, billing, and payments to four entities during specified time periods, and a fifth request for appointment calendars and/or logs for a named district attorney since January 15, 2010. You state that you have redacted some of the responsive information pursuant to the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code.¹ You also state that some responsive information has been provided to the requestor. You claim that some of the submitted information is not subject to the Act; alternatively, you claim the information you have marked is excepted from disclosure under sections 552.101 and 552.136 of the Government Code. We have considered your claims and reviewed the submitted information.

¹The United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office that FERPA does not permit state and local educational authorities to disclose to this office, without parental consent, unredacted, personally identifiable information contained in education records for the purpose of our review in the open records ruling process under the Act. The DOE has determined that FERPA determinations must be made by the educational authority in possession of the education records. We have posted a copy of the letter from the DOE to this office on the Attorney General's website: <http://www.oag.state.tx.us/open/20060725usdoe.pdf>.

You contend that the calendar entries you have marked are not public information subject to the Act. The Act is only applicable to “public information.” *See* Gov’t Code § 552.021. Section 552.002(a) defines public information as “information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it.” *Id.* § 552.002(a). Information that is collected, assembled, or maintained by a third party may be subject to disclosure under the Act if it is maintained for a governmental body, the governmental body owns or has a right of access to the information, and the information pertains to the transaction of official business. *See* Open Records Decision No. 462 (1987).

You assert that the records you have marked “were not collected, assembled or maintained under a law or ordinance or in connection with the transaction of [district] business[, but instead] consist of personal information that is unrelated to [district] business[.]” Upon review of your arguments and the information at issue, we agree that the calendar entries you have marked are purely personal, and thus do not constitute “information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business” by or for the district. *See* Gov’t Code § 552.021; *see also* Open Records Decision No. 635 (1995) (statutory predecessor not applicable to personal information unrelated to official business and created or maintained by state employee involving de minimis use of state resources). Thus, we conclude that the marked calendar entries are not subject to the Act and the district need not release them under the Act.²

You assert that some of the remaining information is excepted from disclosure under section 552.136 of the Government Code. Section 552.136 of the Government Code provides 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.”³ Gov’t Code § 552.136. This office has concluded that bank account, bank routing, and insurance policy numbers constitute access device numbers for purposes of section 552.136. Accordingly, the district must withhold the bank and credit card account numbers and bank routing numbers you have marked under section 552.136 of the Government Code.

In summary, the marked calendar entries are not subject to the Act and the district need not release them under the Act. The district must withhold the bank and credit card account

²As our ruling for this information is dispositive, we need not address your remaining argument against its disclosure.

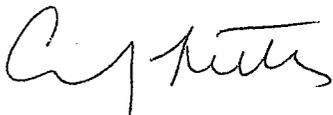
³We note that this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies, which authorizes the withholding of ten categories of information, including bank and credit card account numbers and bank routing numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

numbers and bank routing numbers you have marked under section 552.136 of the Government Code. The remaining submitted information must be released to the requestor.

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, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 398345

Enc. Submitted documents

c: Requestor
(w/o enclosures)