



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 17, 2011

Mr. Neil Thomas
Fulbright & Jaworski, L.L.P.
For Clear Brook City Municipal Utility District
1301 McKinney, Suite 5100
Houston, Texas 77010

OR2011-06903

Dear Mr. Thomas:

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# 417846.

The Clear Brook City Municipal District (the "district"), which you represent, received a request for the petty cash register from February 1, 2011 to March 1, 2011, as well as the district's latest audit and director's pay statements for the last five years.¹ You claim that the requested information is excepted from disclosure under section 552.136 of the Government

¹We note that the district received a clarification of the information requested. See Gov't Code § 552.222 (providing that if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Code. We have considered the exception you claim and reviewed the submitted representative sample of information.²

Initially, we note you have only submitted information pertaining to the petty cash register portion of the request. To the extent information responsive to the remainder of the request existed on the date the district received the request, we assume you have released it. If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Next, we address your claim that "it is impossible to redact the account numbers from the checkbook for inspection." We note that the district must not permit the requestor to view original documents containing confidential information. *See* Gov't Code § 552.352. Instead, the district must redact confidential information to give access to a public record and may charge the requestor for the cost of making a copy of the page from which confidential information must be redacted. *See id.* § 552.271(b).

Section 552.136(b) of the Government Code states that "[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). This office has determined that bank account and bank routing numbers are access device numbers for purposes of section 552.136. *See id.* § 552.136(a) (defining "access device"). We note check numbers do not constitute access device numbers and may not be withheld under section 552.136. Therefore, the district must withhold the bank account and bank routing numbers we have marked pursuant to section 552.136 of the Government Code.³ The remaining requested information 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.

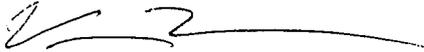
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and

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.

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

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,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/dls

Ref: ID# 417846

Enc. Submitted documents

c: Requestor
(w/o enclosures)