



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 23, 2012

Mr. John Clark Long IV
Assistant District Attorney
Kaufman County Criminal District Attorney
100 West Mulberry
Kaufman, Texas 75142

OR2012-01081

Dear Mr. Long:

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# 443161.

The Kaufman County Auditor's Office (the "office") received a request for information pertaining to "the accounting, auditing, and/or financial operations and transactions conducted by or on behalf of the Office of the Kaufman County Justice of the Peace, Precinct 1" for a specified period of time. You claim that the submitted information is excepted from disclosure under section 552.136 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the information you have submitted does not pertain to the Justice of the Peace, Precinct 1. Therefore, this information, which we have marked on pages 11 and 12, is not responsive to the present request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the office need not release such information.

¹Although you cite to section 662.101 of the Government Code, this section recognizes a state holiday. As such, we understand you to raise section 552.101 of the Government Code, which is an exception within the Act. However, you have provided no arguments regarding the applicability of section 552.101; thus, we assume you no longer claim this exception. See Gov't Code § 552.301(b), (e), .302.

Next, we note you have redacted portions of the submitted information. Pursuant to section 552.301 of the Government Code, a governmental body that seeks to withhold requested information must submit to this office a copy of the information, labeled to indicate which exceptions apply to which parts of the copy, unless the governmental body has received a previous determination for the information at issue. *See* Gov't Code §§ 552.301(a), .301(e)(1)(D). We understand the office has redacted, in part, some information subject to section 552.136(b) pursuant to section 552.136(c) of the Government Code.² However, you do not assert, nor does our review of our records indicate, that the office is authorized to withhold any of the remaining redacted information without first seeking a ruling from this office. *See id.* § 552.301(a); Open Records Decision No. 673 (2000). As such, these types of information must be submitted in a manner that enables this office to determine whether the information comes within the scope of an exception to disclosure. Because we are able to discern the nature of the redacted information, we will address its public availability. In the future, the office should refrain from redacting responsive information that it submits to this office in connection with a request for an open records ruling, unless the information is the subject of a previous determination under section 552.301 of the Government Code or may be withheld pursuant to statutory authority. *See* Gov't Code §§ 552.301(e)(1)(D), .302. Failure to do so may result in the presumption the redacted information is public. *See id.* § 552.302.

Section 552.136 of the Government Code states, "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." *Id.* § 552.136(b). Accordingly, the office must withhold the bank account numbers, bank routing numbers, and credit card numbers we have marked under section 552.136 of the Government Code. However, we find you have failed to explain, and the information at issue does not otherwise demonstrate, how any of the remaining information constitutes an access device number used to obtain money, goods, services, or any item of value, or used to initiate the transfer of funds. *See id.* § 552.136(a) (defining "access device"). As such, the office may not withhold any of the remaining information on this basis and must release the remaining 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,

²Section 552.136 allows a governmental body to redact the information described in subsections 552.136(b) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e).

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,

A handwritten signature in cursive script that reads "Lindsay E. Hale". The signature is written in black ink and is positioned above the printed name.

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/ag

Ref: ID# 443161

Enc. Submitted documents

c: Requestor
(w/o enclosures)