



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 24, 2012

Ms. Lorna Wassdorf
Acting General Counsel
Office of the Texas Secretary of State
P.O. Box 13697
Austin, Texas 78711-2697

OR2012-06701-A

Dear Ms. Wassdorf:

This office issued Open Records Letter No. 2012-06701 (2012) on May 7, 2012. We have examined this ruling and determined Open Records Letter No. 2012-06701 is incorrect. Where this office determines that an error was made in the decision process under sections 552.301 and 552.306, and that error resulted in an incorrect decision, we will correct the previously issued ruling. Consequently, this decision serves as the correct ruling and is a substitute for Open Records Letter No. 2012-06701. *See generally* Gov't Code § 552.011 (providing that Office of the Attorney General may issue a decision to maintain uniformity in application, operation, and interpretation of the Public Information Act (the "Act"))).

The Office of the Texas Secretary of State (the "secretary of state's office") received a request for all records pertaining to a specified file number and entity. You state you have released some of the requested information. You state you will redact e-mail addresses under section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ You claim that portions of the information are excepted from disclosure under

¹Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

section 552.136 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.²

You have marked credit card numbers, credit card expiration dates, and client identification numbers under section 552.136 of the Government Code. Section 552.136 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). Section 552.136(a) defines “access device” as “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 transfer of funds other than a transfer originated solely by paper instrument.” *Id.* § 552.136(a). This office has interpreted section 552.136 to include credit card expiration dates.

You explain the marked client identification numbers are account numbers assigned to each new customer. You further explain customers can charge copy or certificate requests to their assigned accounts and that, “by using a client identification number, anyone could charge copy or certificate requests or use the funds credited to a client account for purposes of their own filing transactions with [the secretary of state’s office].” Based on your representations and our review, we agree the client identification numbers you have marked constitute access device numbers for the purposes of section 552.136. We conclude the secretary of state’s office must withhold the credit card numbers, credit card expiration dates, and client identification numbers you have marked under section 552.136 of the Government Code.

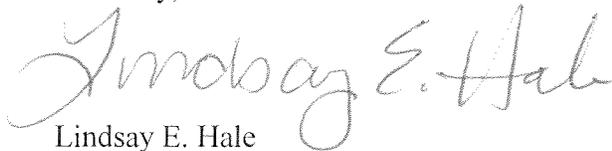
Finally, you ask this office to issue a previous determination permitting the secretary of state’s office to withhold client identification numbers under section 552.136 of the Government Code without seeking a ruling from this office. *See id.* § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). After due consideration, we have decided to grant your request on this matter. Therefore, this letter ruling shall serve as a previous determination under section 552.301(a) that the secretary of state’s office must withhold client identification numbers under section 552.136 of the Government Code. We note, however, section 552.136 protects privacy interests. *See Gov’t Code* § 552.023; Open Records Decision No. 481 at 4 (1987). Therefore, client identification numbers must be

²This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. *See Gov’t Code* §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

released to the authorized representative of the entity whose information is at issue. So long as the elements of law, fact, and circumstances do not change so as to no longer support the findings set forth above, the secretary of state's office need not ask for a decision from this office again with respect to this type of information. *See* ORD 673 at 7.

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,

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

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/ag

Ref: ID# 459645

Enc. Submitted documents

c: Requestor
(w/o enclosures)