



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 21, 2012

Mr. Warren M.S. Ernst  
Chief of the General Counsel Division  
City of Dallas  
1500 Marilla Street, Room 7DN  
Dallas, Texas 75201

OR2012-20703

Dear Mr. Ernst:

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# 474856.

The City of Dallas (the "city") received a request for a copy of a specified telephone call and three categories of information related to the specified telephone call. You state the city will release some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.136 and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.136 of the Government Code states "[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." Gov't Code § 552.136. An access device number is one that 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, and includes an account number. *See id.* § 552.136(a) (defining "access device"). Accordingly, the city must withhold the utility account number we have indicated in the submitted audio recording under section 552.136 of the Government Code.

Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail

address is of a type specifically excluded by subsection (c). *Id.* § 552.137(a)-(c). The e-mail address at issue is not a type specifically excluded by section 552.137(c) of the Government Code. Therefore, the city must withhold the e-mail address we have indicated in the submitted audio recording under section 552.137 of the Government Code, unless the owner affirmatively consents to its disclosure.

You claim the city lacks the technical capability to redact the e-mail address and utility account number at issue from the submitted audio recording. However, because the city had the ability to copy the submitted audio recording in order to submit the requested information for our review, we believe the city has the capability to produce a copy of only the non-confidential portions of the submitted audio recording. Therefore, we find the city must withhold the utility account number we have indicated in the submitted audio recording under section 552.136 of the Government Code and the e-mail address we have indicated in the submitted audio recording under section 552.137 of the Government Code, unless the owner affirmatively consents to its disclosure. The city must release remaining information in the audio recording.<sup>1</sup>

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](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,

  
Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/som

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<sup>1</sup>We note the remaining information contains a social security number. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. *See* Gov't Code § 552.147(b).

Ref: ID# 474856

Enc. Submitted documents

c: Requestor  
(w/o enclosures)