ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 7, 2014

Ms. Catelyn H. Kostbar
Administrative Technician III
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2014-11573

Dear Ms. Kostbar:

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# 528124 (HCAD Reference No. 14-1935).

The Harris County Appraisal District (the "district") received a request for the personal identification numbers for two specified company properties. You claim 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 portions of the submitted information are not responsive to the instant request for information because they do not consist of personal identification numbers. This ruling does not address the public availability of any information not responsive to the request, and the district need not release it in response to the request.

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." Gov't Code § 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

[1]You acknowledge, and we agree, the district did not comply with the requirements of section 552.301 of the Government Code. *See* Gov't Code § 552.301(b), (e). Nonetheless, section 552.130 of the Government Code is a mandatory exception that can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will consider the district's claim.

identifier or means of account access that alone or in conjunction with another access device may be used to . . . obtain money, goods, services, or another thing of value [or] initiate a transfer of funds other than a transfer originated solely by paper instrument." *Id.* § 552.136(a). You represent the submitted numbers are iFile numbers that can be used to access confidential property information that is valuable to property owners and third party professionals involved in the protests of property tax appraisals. Based on your representations and our review, we agree iFile numbers are access device numbers for purposes of section 552.136(a). Accordingly, the district must generally withhold the responsive information under section 552.136(b) of the Government Code.

We note section 552.136 protects personal privacy. In this instance, the requestor may be a representative of the individuals whose access device numbers are at issue. The owner of an access device number has a right of access to his own access device number under section 552.023 of the Government Code, and it may not be withheld under section 552.136. *See id.* § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Accordingly, if the requestor is not the representative of the individuals whose access device numbers are at issue, the district must withhold the submitted iFile numbers under section 552.136 of the Government Code. However, if the requestor does represent the individuals whose access device numbers are at issue, the district must release the responsive 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

Lee Seidlits
Assistant Attorney General
Open Records Division

CLS/tch

Ref: ID# 528124

Enc. Submitted documents

c: Requestor
(w/o enclosures)