



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 14, 2014

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

OR2014-12019

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# 528984 (HCAD ID# 14-2086).

The Harris County Appraisal District (the "district") received a request for the iFile number for a specified account. You claim the submitted information is excepted from disclosure under section 552.136 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor seeks only the specified iFile account number. You have submitted a document that contains information beyond this specific piece of information. Thus, the portions of the submitted document that do not consist of the information requested are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request, and the district is not required to release that information 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

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<sup>1</sup>Regardless of whether the district failed to comply with section 552.301 of the Government Code in requesting a ruling, we note section 552.136 of the Government Code is a mandatory exception that constitutes a compelling reason to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. See Gov't Code §§ 552.007, .301, .302, .352. Accordingly, we will consider the district's argument under section 552.136.

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 responsive iFile number 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 the responsive iFile number is an access device for purposes of section 552.136(a). Accordingly, the district must generally withhold the iFile number, which you have marked, under section 552.136(b) of the Government Code.

We note section 552.136 protects personal privacy. In this instance, we note the requestor may be the authorized representative of the owner of the requested iFile number. Thus, this requestor may have a right of access to the requested information that would otherwise be confidential 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, we must rule conditionally. If the requestor is the authorized representative of the owner of the requested iFile number, the district may not withhold the iFile number from this requestor under section 552.136 and it must be released pursuant to section 552.023 of the Government Code. If the requestor is not the authorized representative of the owner of the requested iFile number, the district must withhold the iFile number you marked under section 552.136 of the Government Code.

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](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,



Paige Thompson  
Assistant Attorney General  
Open Records Division

PT/dls

Ref: ID# 528984

Enc. Submitted documents

c: Requestor  
(w/o enclosures)