



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 14, 2014

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

OR2014-12088

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# 528985 (HCAD Ref. No. 14-2096).

The Harris County Appraisal District (the "district") received a request for the iFile number pertaining to a specified account. You claim the requested 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.

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(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 . . . obtain money, goods, services, or another thing of value [or] initiate

¹You acknowledge, and we agree, the district did not comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(b). However, because section 552.136 of the Government Code can provide a compelling reason for non-disclosure under section 552.302, we will address your argument under this exception. *See* Open Records Decision No. 150 at 2 (1977).

a transfer of funds other than a transfer originated solely by paper instrument.” *Id.* § 552.136(a). You state iFile numbers are numbers created by the district and function as pass-codes 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 these representations and our review, we agree the iFile number at issue is an access device number for purposes of section 552.136(a). Accordingly, the district must generally withhold the iFile number at issue under section 552.136(b) of the Government Code.

We note section 552.136 protects personal privacy. In this instance, you inform us 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, if the requestor is the authorized representative of the owner of the requested iFile number, the district may not withhold the iFile number at issue from this requestor under section 552.136 and must release this information pursuant to section 552.023 of the Government Code. However, if the requestor is not the authorized representative of the owner of the requested iFile number, the district must withhold the requested iFile number 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, 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,



Miriam A. Khalifa
Assistant Attorney General
Open Records Division

MAK/tch

Ref: ID# 528985

Enc. Submitted documents

c: Requestor
(w/o enclosures)