



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 11, 2016

Ms. Diane K. McCarthy  
Legal Counsel  
Harris County Appraisal District  
P.O. Box 920975  
Houston, Texas 77292-0975

OR2016-22731

Dear Ms. McCarthy:

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# 633657 (HCAD Ref No. 16-3167).

The Harris County Appraisal District (the "district") received a request for the iFile number pertaining to a specified account. You claim a portion of 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 only seeks the iFile number pertaining to the specified account. Accordingly, any other information is not responsive to the request for information. This ruling does not address the availability of non-responsive information, and the district need not release non-responsive information to the requestor.

Section 552.136 of the Government Code provides, "[n]otwithstanding any other provision of [the Act], 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

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<sup>1</sup>We note, and you acknowledge, the district did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301 (b), (e). Nonetheless, because section 552.136 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

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

We note section 552.136 protects personal privacy. In this instance, the submitted documentation reflects the requestor may be the authorized agent of the entity whose access device number is at issue. The owner of an access device number or his authorized agent 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 authorized agent of the entity whose access device number is at issue, then the district must withhold the responsive iFile number under section 552.136 of the Government Code. However, if the requestor is the authorized agent of the entity whose access device number is at issue, then the district must release the responsive iFile number to this requestor.

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,



Gerald A. Arismendez  
Assistant Attorney General  
Open Records Division

GAA/som

Ref: ID# 633657

Enc. Submitted documents

c: Requestor  
(w/o enclosures)