



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 24, 2017

Ms. Lindsey Aston
General Counsel
Executive Division
Office of the Texas Secretary of State
P.O. Box 12697
Austin, Texas 78711-2697

OR2017-24207

Dear Ms. Aston:

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# 682370.

The Office of the Texas Secretary of State (the "secretary's office") received a request for information pertaining to a specified investigation. The secretary's office states it will withhold motor vehicle record information pursuant to section 552.130(c) of the Government Code, insurance policy numbers pursuant to section 552.136(c) of the Government Code, social security numbers pursuant to section 552.147(b) of the Government Code, e-mail addresses pursuant to Open Records Decision No. 684 (2009), and dates of birth pursuant to Open Records Letter No. 2016-07153 (2016).¹ The secretary's office states it has released

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Section 552.136 of the Government Code permits a governmental body to withhold the information described in section 552.136(b) without the necessity of seeking a decision from this office. *See id.* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e). 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 id.* § 552.147(b). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of seeking a decision from this office. Open Records Letter No. 2016-07153 authorizes the secretary's office to withhold public citizens' dates of birth from notary applications and contained in the Notary Public Unit Database of the secretary's office under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a ruling from this office.

some of the requested information, but claims some of the submitted information is excepted from disclosure under sections 552.130 and 525.136 of the Government Code. We have considered the claimed exceptions and reviewed the submitted representative sample of information.²

Section 552.136 of the Government Code provides, in part, the following:

(a) In this section, "access device" means 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:

- (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.

(b) 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(a)-(b). This office has determined an insurance policy number is an access device number for purposes of section 552.136. Open Records Decision No. 684 at 9 (2009). The secretary's office seeks to withhold an insurance policy claim number. However, upon review we find the secretary's office has not established this information consists of an access device number used to obtain money, goods, services, or any item of value, or used to initiate the transfer of funds. *See id.* §§ 552.136(a), .301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies). Therefore, the secretary's office may not withhold the submitted insurance policy claim number under section 552.136.


Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See id.* § 552.130. The secretary's office must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. The secretary's office must release the remaining information.

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/sb

Ref: ID# 682370

Enc. Submitted documents

c: Requestor
(w/o enclosures)