



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 25, 2018

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

OR2018-01676

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# 692795 (Reference No. 17-3804).

The Harris County Appraisal District (the "district") received a request for information pertaining to a specified account for a specified time period. You state you will release some information to the requestor. You claim some of the submitted information is excepted from disclosure under sections 552.130 and 552.136 of the Government Code.¹ Additionally, you state release of this information may implicate the proprietary interests of InfoNation, Inc. ("InfoNation"). Accordingly, you state, and provide documentation showing, you notified InfoNation of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the exceptions you claim and reviewed the submitted information.

¹We note, and the district acknowledges, the district did not comply with the requirements of section 552.301(e) of the Government Code in requesting this decision. *See* Gov't Code § 552.301(e). Nonetheless, we note sections 552.130 and 552.136 of the Government Code and the interests of a third-party can provide compelling reasons to overcome the presumption of openness. Accordingly, we will consider whether the submitted information must be withheld under the Act on those grounds. *See id.* §§ 552.007, .302, .352.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from InfoNation explaining why the submitted information should not be released. Therefore, we have no basis to conclude InfoNation has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the district may not withhold any portion of the submitted information related to InfoNation on the basis of any proprietary interest it may have in the information.

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by this state or another state or country. Gov't Code § 552.130(a)(1), (2). Accordingly, the district must withhold the motor vehicle record information we marked under section 552.130 of the Government Code.

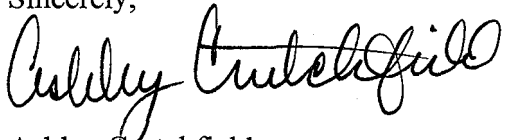
Section 552.136 of the Government Code states "Notwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136(b). Section 552.136(a) defines "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 a transfer of funds other than a transfer originated solely by paper instrument." *Id.* § 552.136(a). You represent the iFile numbers 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 numbers are access device numbers for purposes of section 552.136(a). Accordingly, the district must withhold the iFile numbers, which you marked, under section 552.136(b) of the Government Code.

In summary, the district must withhold the motor vehicle record information we marked under section 552.130 of the Government Code. The district must also withhold the marked iFile numbers under section 552.136 of the Government Code. The district must release the remaining 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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/sb

Ref: ID# 692795

Enc. Submitted documents

c: Requestor
(w/o enclosures)

1 Third Party
(w/o enclosures)