



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 22, 2019

Mr. Matthew M. Coleman  
Counsel for the Mission Consolidated Independent School District  
Eichelbaum, Wardell, Hansen, Powell & Mehl, P.C.  
4201 West Parmer Lane, Suite A-100  
Austin, Texas 78727

OR2019-29765

Dear Mr. Coleman:

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# 791100.

The Mission Consolidated Independent School District (the "district") received a request for information pertaining to the requestor's client. The district states it is redacting some information pursuant to the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code.<sup>1</sup> The district states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under sections 552.101 and 552.136 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.<sup>2</sup>

The district informs us Exhibit D was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2019-24592 (2019). We have

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<sup>1</sup> The United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office FERPA does not permit state and local educational authorities to disclose to this office, without parental consent, personally identifiable information contained in education records for the purpose of our review in the open records ruling process under the Act. The DOE has determined FERPA determinations must be made by the educational authority in possession of the education records. We have posted a copy of the letter from the DOE to this office on the Attorney General's website: <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/20060725-USDOE-FERPA.pdf>.

<sup>2</sup> We 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.

no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the district must rely on Open Records Letter No. 2019-24592 as a previous determination and withhold or release Exhibit D in accordance with that ruling.<sup>3</sup>

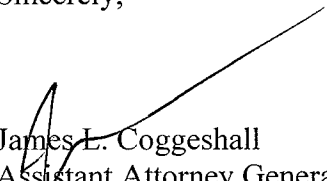
Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b). The district must withhold the account numbers it has marked under section 552.136 of the Government Code.

In summary, the district must rely on Open Records Letter No. 2019-24592 as a previous determination and withhold or release Exhibit D in accordance with that ruling. The district must withhold the account numbers it has marked 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/rm

Ref: ID# 791100

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>3</sup>See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).