



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

December 20, 2019

Ms. Amy C. Tucker  
Counsel for KIPP Texas Public Schools  
Rogers, Morris & Grover, L.L.P.  
5718 Westheimer Road, Suite 1200  
Houston, Texas 77057

OR2019-36156

Dear Ms. Tucker:

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# 804333.

KIPP Texas Public Schools ("KIPP"), which you represent, received a request for all agreements between KIPP and a named individual, including specified types of information related to the named individual. You claim a portion of the submitted information is excepted from disclosure under section 552.136 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you only submitted an insurance certificate in response to the request for information. To the extent any additional information responsive to the request existed on the date KIPP received the request, we assume you have released it. If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Section 552.117(a)(1) of the Government Code excepts from disclosure the home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the

Government Code, except as provided by section 552.024(a-1).<sup>1</sup> Gov't Code § 552.117(a)(1); *see also id.* § 552.024(a-1). Whether a particular piece of information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). Therefore, a governmental body must withhold information under section 552.117 on behalf of a current or former official or employee only if the individual made a request for confidentiality under section 552.024 prior to the date on which the request for this information was made. We note some of the submitted information pertains to an individual who may be a current or former KIPP employee. Thus, to the extent the individual whose information is at issue is a current or former KIPP employee and timely requested confidentiality pursuant to section 552.024, KIPP must withhold the information we have marked under section 552.117(a)(1) of the Government Code. However, KIPP may not withhold this individual's information under section 552.117 if she is not a current or former KIPP employee or if she did not make a timely election to keep the information confidential.

Section 552.136(b) 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); *see id.* § 552.136(a) (defining “access device”). This office has concluded insurance policy numbers constitute access device numbers for purposes of section 552.136. *See* Open Records Decision No. 684 at 9 (2009). Accordingly, KIPP must withhold the insurance policy number you have marked under section 552.136 of the Government Code.

In summary, to the extent the individual whose information is at issue is a current or former KIPP employee and timely requested confidentiality pursuant to section 552.024 of the Government Code, KIPP must withhold the information we have marked under section 552.117(a)(1) of the Government Code. KIPP must withhold the insurance policy number you have marked under section 552.136 of the Government Code. KIPP 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

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<sup>1</sup> The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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,

A handwritten signature in black ink, appearing to read "Tim Neal". The signature is written in a cursive style with a large initial "T" and "N".

Tim Neal  
Assistant Attorney General  
Open Records Division

TN/jxd

Ref: ID# 804333

Enc. Submitted documents

c: Requestor  
(w/o enclosures)