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ATTORNEY GENERAL OF TEXAS

April 5, 2022

Ms. Felicia Webb
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Leasor Crass, P.C.
302 West Broad Street
Mansfield, Texas 76063

OR2022-09975

Dear Ms. Webb:

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# 941568.

The Huckaby Independent School District (the "district") received a request for information pertaining to the issuance of two checks. The district indicates it will withhold some of the information pursuant to section 552.024 of the Government Code.¹ The district claims some of the submitted information is excepted from disclosure under sections 552.102 and 552.136 of the Government Code.² We have considered the claimed exceptions and reviewed the submitted information.

Section 552.102(b) of the Government Code excepts from disclosure "a transcript from an institution of higher education maintained in the personnel file of a professional public school employee[.]" Gov't Code § 552.102(b). This exception further provides, however, that "the degree obtained or the curriculum on a transcript in the personnel file of the employee" are not excepted from disclosure. *Id.* We agree pages 17 and 18 of the submitted documents consist of educational transcripts. Therefore, the district must withhold these

¹ Section 552.024(c)(2) of the Government Code authorizes a governmental body to redact information protected by section 552.117(a)(1) of the Government Code without the necessity of requesting a decision under the Act if the current or former employee or official to whom the information pertains timely chooses not to allow public access to the information. *See* Gov't Code § 552.024(c)(2). If a governmental body redacts such information, it must notify the requestor in accordance with subsections 552.024(c-1) and (c-2). *See id.* § 552.024(c)(1)-(c)(2).

² We understand the district to raise section 552.136 based on its markings.

pages under section 552.102(b) of the Government Code, except for the information that reveals the employee's name, the degree obtained, and the courses taken, which the district must release. *See* Open Records Decision No. 526 (1989) (addressing statutory predecessor).

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). The district must withhold the information we have marked under section 552.136 of the Government Code. However, we find the district has not established any of the remaining information 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 district has failed to demonstrate the applicability of section 552.136 to the remaining information and may not withhold any of it from release on that ground.

In summary, with the exception of the information that reveals the employee's name, the degree obtained, and the courses taken, the district must withhold pages 17 and 18 of the submitted documents under section 552.102(b) of the Government Code. The district must also withhold the information we have 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/mo

Ref: ID# 941568

Enc. Submitted documents

c: Requestor
(w/o enclosures)