



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 23, 2010

Mr. R. Brooks Moore
Assistant General Counsel
The Texas A&M University System
200 Technology Way, Suite 2079
College Station, Texas 77845-3424

OR2010-09219

Dear Mr. Moore:

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# 383832.

The Texas A&M University System (the "system") received a request for all materials related to a request for proposals ("RFP") for the Serpenterium Building Video Surveillance System. You state some information will be released to the requestor. Although you take no position on the public availability of the submitted information, you state that the information at issue may implicate the interests of third parties. Accordingly, you submit documentation showing that you notified Atex Communications, MCS Commercial Fire and Security, 911 Security Cameras, Inc., and Dynamark Security Centers of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

We note that 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 requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received any arguments from any interested third parties. We, thus, have no basis for concluding that any portion of the submitted information constitutes proprietary 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 system may not withhold any of the submitted information based on the proprietary interests of any interested third parties.

We note the submitted information contains insurance policy numbers.¹ Section 552.136(b) of the Government Code states that “[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). This office has determined that insurance policy numbers are access device numbers for purposes of section 552.136. *See id.* § 552.136(a) (defining “access device”). Therefore, the system must withhold the insurance policy numbers we have marked pursuant to section 552.136 of the Government Code.² As no exceptions to disclosure are raised, the remaining information must be released.

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

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

²We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including insurance policy numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 383832

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Mr. Ronnie Sugarek
Atex Communications
9708 South Padre Island Drive, Suite B-101
Corpus Christi, Texas 78418
(w/o enclosures)

Mr. Charles Lee
MCS Commercial Fire and Security
12918 Delivery Drive
San Antonio, Texas 78247
(w/o enclosures)

Mr. Robert Tabbara
911 Security Cameras, Inc.
10870 Plano Road, Suite F
Dallas, Texas 75238
(w/o enclosures)

Mr. Justin Brooks
Dynamark Security Centers
3842 Apollo Road
Corpus Christi, Texas 78413
(w/o enclosures)