



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 1, 2010

Ms. Ashley D. Fourt  
Assistant District Attorney  
Tarrant County Criminal District Attorney's Office  
401 West Belknap  
Fort Worth, Texas 76196-0201

OR2010-16533

Dear Ms. Fourt:

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# 399771.

The Tarrant County Criminal District Attorney's Office received a request for a named bidder's response to a request for proposals for payroll services for temporary labor. Although you take no position on the public availability of the requested information, you believe that the information may implicate the proprietary interests of CornerStone Staffing ("CornerStone"). You inform us that CornerStone was notified of this request for information and of its right to submit arguments to this office as to why the submitted information should not be released.<sup>1</sup> We have reviewed the information you submitted.

An interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to the party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from CornerStone. Thus, because CornerStone has not demonstrated that any of the information at issue is proprietary for the purposes of the Act, none of the

---

<sup>1</sup>*See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

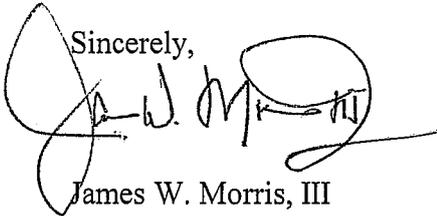
submitted information may be withheld on the basis of any proprietary interest that CornerStone may have in the information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999).

We note that the submitted information includes insurance policy numbers. Section 552.136 of the Government Code provides 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.”<sup>2</sup> Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). This office has determined that an insurance policy number is an access device for the purposes of section 552.136. The insurance policy numbers we have marked must be withheld from the requestor under section 552.136 of the Government Code.<sup>3</sup> The rest of the submitted 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](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,



James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/bs

---

<sup>2</sup>This office will raise section 552.136, which is a mandatory exception, on behalf of a governmental body. *See* Gov’t Code §§ 552.007, .352; Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions).

<sup>3</sup>We note that 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 an insurance policy number under section 552.136, without the necessity of requesting an attorney general decision.

Ref: ID# 399771

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Jamie Slezak  
CornerStone Staffing  
5208 Airport Freeway, Suite 120  
Haltom City, Texas 76117  
(w/o enclosures)