



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 8, 2010

Mr. W. Montgomery Meitler
Assistant Counsel
Office of Legal Services
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

OR2010-16851

Dear Mr. Meitler:

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# 399476 (TEA PIR# 13776).

The Texas Education Agency (the "TEA") received a request for the proposal submitted by TA Associates Realty ("TA Associates") in response to RFQ No. 701-09-027. You state TEA is withholding insurance policy numbers under section 552.136 of the Government Code pursuant to the previous determination set forth in Open Records Decision No. 684 (2009).¹ Although you take no position as to whether the submitted information is excepted under the Act, you state that release of this information may implicate the proprietary interests of TA Associates. TA Associates, in correspondence to this office, asserts its information is excepted under sections 552.110 and 552.143 of the Government Code. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted arguments and information. We have also considered comments submitted by the requestor.² *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

¹*See* Open Records Decision No. 684 (2009) (previous determination authorizing any governmental body to withhold ten categories of information, including insurance policy numbers under section 552.136 of Government Code, without necessity of requesting attorney general opinion).

²Although the requestor asserts TA Associates failed to comply with section 552.305(e), we note that a violation of section 552.305 does not result in the legal presumption that the requested information is public under section 552.302 of the Government Code.

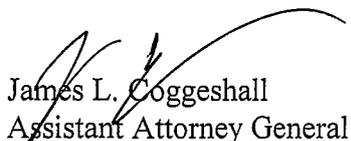
Initially, we note TA Associates has submitted information to this office it asserts is excepted from release under the Act; however, the TEA did not submit this information for our review. This ruling does not address information beyond what the TEA has submitted to us for review. *See* Gov't Code § 552.301(e)(1)(D) (governmental body requesting decision from attorney general must submit copy of specific information requested). Accordingly, this ruling is limited to the information the TEA submitted as responsive to the request for information. *See id.*

TA Associates asserts the submitted information is excepted under section 552.143 of the Government Code. Section 552.143(a) provides that “[a]ll information prepared or provided by a private investment fund and held by a governmental body that is not listed in Section 552.0225(b) is confidential and excepted from the requirements of Section 552.021.” *Id.* § 552.143(a). The submitted information consists of the response of TA Associates to the RFQ at issue. TA Associates asserts it is a private investment fund. It also asserts it “is not currently a vendor for the TEA.” Based on these representations and our review of the submitted information, we find TEA must withhold the submitted information under section 552.143(a) of the Government Code. As our ruling is dispositive, we do not address any remaining arguments against disclosure.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tp

Ref: ID# 399476

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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