



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 20, 2010

Mr. Daniel Bradford  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR2010-19151

Dear Mr. Bradford:

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# 403517.

The Travis County Purchasing Office (the "county") received a request for bids submitted in response to a request for proposals related to electronic citations. You take no position on the public availability of the submitted information. You believe, however, that the submitted information may implicate the proprietary interests of Brazos Technology, Saltus Technologies, L.L.C., IPKeys Technologies, L.L.C., Mobizent, L.L.C., Advanced Public Safeway, Inc., and Cardinal Tracking, Inc. You inform us, and provide documentation showing, that these third parties were notified 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.<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 that 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 any of the third parties you notified. Thus, because there has been no

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<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).

demonstration that any of the information at issue is proprietary for the purposes of the Act, none of the submitted information may be withheld on the basis of any proprietary interest that any of the third parties may have in the information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990) (party must establish prima facie case that information is trade secret), 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).

We note the submitted information contains Texas motor vehicle information. Section 552.130 excepts from disclosure "information [that] relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state[.]"<sup>2</sup> Gov't Code § 552.130(a)(1), (2). The county must withhold the Texas motor vehicle information we have marked under section 552.130.

The remaining information also contains insurance policy numbers. Section 552.136 of the Government Code provides that "[n]otwithstanding 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." *Id.* § 552.136. This office has concluded insurance policy numbers constitute access device numbers for purposes of section 552.136. Accordingly, the county must withhold the insurance policy numbers we have marked under section 552.136.

We note that portions of the submitted information are protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit.

In summary, the county must withhold the Texas motor vehicle information we have marked under section 552.130 of the Government Code. The county must also withhold the

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<sup>2</sup>The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

insurance policy numbers we have marked under section 552.136 of the Government Code.<sup>3</sup> The county must release the remaining information, but any information that is protected by copyright may only be released in accordance with copyright law.

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,



Tamara Wilcox  
Assistant Attorney General  
Open Records Division

TW/dls

Ref: ID# 403517

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Michael S. McAleer  
Brazos Technology  
526 University Drive east, Suite 201A  
College Station, Texas 77840  
(w/o enclosures)

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<sup>3</sup>We 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 Texas driver's license numbers and license plate numbers under section 552.130 of the Government Code and insurance policy numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

Mr. Eric Fultz  
Saltus Te4chnologies, LLC  
1717 South Boulder Avenue, Suite 700  
Tulsa, Oklahoma 74119  
(w/o enclosures)

Ms. Joan McCaffrey  
IPKeys Technologies, LLC  
514 Via de la Valle, Suite 200  
Solana Beach, California 92075  
(w/o enclosures)

Mr. Joseph Dion  
Mobizent, LLC  
345 Plainfield Avenue, Suite 204  
Edison, New Jersey 08817  
(w/o enclosures)

Mr. Jack Siney  
Advanced Public Safeway, Inc.  
500 Fairway Drive, Suite 204  
Deerfield Beach, Florida 33441  
(w/o enclosures)