



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 3, 2011

Mr. Damon C. Derrick  
General Counsel  
Stephen F. Austin State University  
P.O. Box 13065 SFA Station  
Nacogdoches, Texas 75962-3065

OR2011-14241

Dear Mr. Derrick:

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# 432671.

Stephen F. Austin State University (the "university") received a request for information relating to the furniture bids for the university's new freshman residence hall, including the proposals of the winning and next two highest-ranked vendors. Although you take no position on the public availability of the requested information, you believe the information may implicate the proprietary interests of Facility Interiors, Inc., HBI Office Solutions, Inc., Story-Wright Printing & Office Supply Company, Vanguard Environments, Inc., and Wilson Project Management. You state, and have provided documentation demonstrating, these parties were notified of the instant request for information and of their right to submit arguments to this office as to why the requested 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*

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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).*

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 the university notified. Thus, because none of the third parties has demonstrated any of the information at issue is proprietary for purposes of the Act, none of the submitted information may be withheld on the basis of any proprietary interest any of the third parties 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 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 an insurance policy number is an access device for purposes of section 552.136. The university must withhold the insurance policy numbers we have marked under section 552.136 of the Government Code.

You believe the submitted information may be subject to copyright law. A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *See* Open Records Decision No. 180 at 3 (1978); *see also* Open Records Decision No. 109 (1975). A custodian of public records also must comply with copyright law, however, and is not required to furnish copies of records that are copyrighted. *See* ORD 180 at 3. A member of the public who wishes to make copies of copyrighted materials 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 university must withhold the marked insurance policy numbers under section 552.136 of the Government Code. The rest of the submitted information must be released, but any copyrighted information 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.

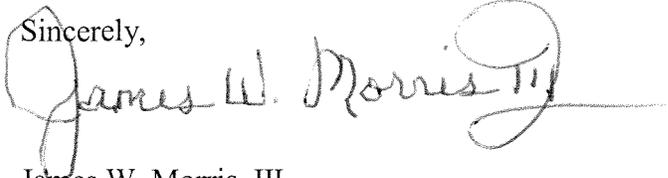
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General’s Open Government Hotline, toll free,

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

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/em

Ref: ID# 432671

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

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