



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 19, 2012

Ms. Mia M. Martin
General Counsel
Richardson Independent School District
400 South Greenville Avenue
Richardson, Texas 75081-4198

OR2012-03949

Dear Ms. Martin:

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# 448855.

The Richardson Independent School District (the "district") received a request for evaluation documentation and submitted bid responses pertaining to a specified request for proposals. You state you have made some of the requested information available to the requestor. Although you take no position on whether the submitted information is excepted from disclosure, you state release of this information may implicate the proprietary interests of Computer Automation Systems, Inc.; Esped.com, Inc.; GC Consulting, LLC; Spectrum K12 School Solutions, Inc.; Sungard Public Sector; and XID Education, Ltd. Accordingly, you have notified these third parties of the request and of their right to submit arguments to this office as to why their 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.

Initially, we note 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) 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, this office has not received comments from any of the interested third parties explaining why their information should

not be released to the requestor. Thus, we have no basis to conclude the release of any portion of the submitted information would implicate the third parties' proprietary interests. *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, we conclude the district may not withhold any of the submitted information on the basis of any interest the third parties may have in the information.

Section 552.136(b) of the Government Code provides, "[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."¹ Gov't Code § 552.136(b); *see id.* § 552.136(a) (defining "access device"). This office has concluded insurance policy numbers constitute access device numbers for purposes of section 552.136. Thus, the district must withhold the insurance policy numbers we have marked under section 552.136 of the Government Code. As no further exceptions to disclosure are raised, the remaining information must be released to the requestor.

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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/som

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

Ref: ID# 448855

Enc. Submitted documents

c: Requestor

(w/o enclosures)

c: Mr. Mike Lovejoy
Sungard Public Sector
3 West Broad Street, Suite 1
Bethlehem, Pennsylvania 18018
(w/o enclosures)

c: Mr. Jasen Whetstone
XID Limited
1001 West Eules Boulevard
Suite 200
Eules, Texas 76040
(w/o enclosures)

c: Mr. Rolando Ocanas
Director of Sales and Marketing
GG Consulting, L.L.C.
175 Pawnee Drive
Boulder, Colorado 80303
(w/o enclosures)

c: Mr. Bob Bundy
Computer Automation Systems
1793 Highway 201 North
Mountain Home, Arkansas 72653
(w/o enclosures)

c: Mr. George Dhionis
Esped.com, Inc.
6 Riverside Drive
Andover, Massachusetts 01810
(w/o enclosures)

c: Mr. Glenn Chapin
Spectrum K12 School Solutions
901 Dulaney Valley Road
Suite 800
Towson, Maryland 21204
(w/o enclosures)