



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 20, 2012

Ms. Sarah W. Langlois
Attorney for Harris County Department of Education
Rogers, Morris & Glover, L.L.P.
5718 Westheimer Road, Suite 1200
Houston, Texas 77057

OR2012-14988

Dear Ms. Langlois:

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# 466547.

The Harris County Department of Education ("HCDE"), which you represent, received a request for its contracts with BASIC IDIQ, Inc. ("BASIC"). You state HCDE has released some of the requested information. Although you take no position on the public availability of the submitted information, you believe the information may implicate BASIC's proprietary interests. You inform us BASIC was notified of the request for the submitted information and of its right to submit arguments to this office as to why the information should not be released.¹ We received correspondence from BASIC. We have considered BASIC's arguments and reviewed the information you submitted.

¹See 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).

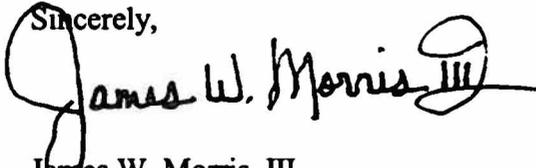
BASIC claims section 552.104 of the Government Code, which excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). This exception protects the competitive interests of governmental bodies, not the proprietary interests of private parties such as BASIC. See Open Records Decision No. 592 at 8 (1991) (discussing statutory predecessor). Therefore, because HCDE does not claim an exception to disclosure under section 552.104(a), HCDE may not withhold any of the submitted information under section 552.104 of the Government Code.

We note the submitted information includes insurance policy numbers, which fall within the scope of section 552.136 of the Government Code.² Section 552.136(b) 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." 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. Therefore, HCDE must withhold the insurance policy numbers we have marked under section 552.136 of the Government Code. 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, 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/eb

²This 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).

Ref: ID# 466547

Enc: Submitted documents

c: Requestor
(w/o enclosures)

Mr. Ronald R. Barrick
BASIC IDIQ, Inc.
1907 Mockingbird Lane
Leander, Texas 78641
(w/o enclosures)