



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 14, 2012

Ms. JoyLynn Occhiuzzi
Executive Director
Round Rock Independent School District
1311 Round Rock Avenue
Round Rock, Texas 78681

OR2012-20177

Dear Ms. Occhiuzzi:

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# 473797.

The Round Rock Independent School District (the "district") received a request for information related to a request for proposals for health, dental, vision, and associated benefits. Although the district takes no position on whether the requested information is excepted from disclosure, you state release of the submitted information may implicate the proprietary interests of Blue Cross Blue Shield of Texas ("BCBS"). Accordingly, you inform us you have notified BCBS of the request and of the company's right to submit arguments to this office explaining why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have received comments from an attorney for BCBS. We have considered the submitted arguments and reviewed the submitted information.

BCBS seeks to withhold information the district did not submit for our review. Because such information was not submitted by the governmental body, this ruling does not address that information and is limited to information submitted by the district. *See id.*

§ 552.301(e)(1)(D) (governmental body requesting decision from Attorney General must submit copy of specific information requested).

BCBS has not submitted any comments to this office explaining how release of its submitted information would affect its proprietary interests. Accordingly, BCBS has failed to provide us with any basis to conclude the company has a protected proprietary interest in any of its submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating business enterprise claiming exception for commercial or financial information under section 552.110(b) must show by specific factual evidence release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret). Consequently, the district may not withhold any portion of the submitted information on the basis of any proprietary interest BCBS may have in this information. As no exceptions to its disclosure are raised, the district must release the submitted information.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 473797

Enc. Submitted documents

c: Requestor
(w/o enclosures)

**Blue Cross Blue Shield of Texas
c/o Ms. Catherine Y. Livingston
Greenberg Traurig, L.L.P.
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Austin, Texas 78701
(w/o enclosures)**