



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

December 19, 2012

Ms. Melanie J. Rodney  
Assistant County Attorney  
Harris County Attorney's Office  
2525 Holly Hall, Suite 190  
Houston, Texas 77054

OR2012-20487

Dear Ms. Rodney:

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# 475345 (CA File No. 12HSP0748).

The Harris County Hospital District (the "district") received a request for information submitted by Centennial Contractors Enterprises, Inc. ("Centennial"), Horizon International Group, LLC ("Horizon"), and J. T. Vaughn Construction, LLC ("Vaughn") in connection with Job No. 11/0065. Although you take no position on its public availability, you believe the requested information may implicate the interests of Centennial, Horizon, and Vaughn. You inform us the interested parties were notified of the present 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 considered the comments we received from Horizon and reviewed the information you submitted.

We note Centennial's and Horizon's proposals were the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2012-01469 (2012). In the previous ruling, the district informed us it would withhold insurance policy numbers pursuant to section 552.136 of the Government Code, and we concluded the district

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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).

must withhold some of the remaining requested information under section 552.110 of the Government Code. Thus, as there is no indication of any change in the law, facts, and circumstances on which the previous ruling is based, we conclude the district must withhold or release Centennial's and Horizon's information in accordance with Open Records Letter No. 2012-01469.<sup>2</sup> See Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

We next note 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 related to the party should not be released. See Gov't Code § 552.305(d)(2)(B). As we have received no correspondence from Vaughn as of the date of this decision, Vaughn has not demonstrated any of its information is proprietary for purposes of the Act. Therefore, the district may not withhold any of Vaughn's information on the basis of any interest Vaughn 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 Vaughn's information contains insurance policy numbers. Section 552.136(b) of the Government Code states 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>3</sup> Gov't Code § 552.136(b); see *id.* § 552.136(a) (defining "access device"). Thus, as this office has determined an insurance policy number is an access device for purposes of this exception, the district must withhold the insurance policy numbers we have indicated in Vaughn's information under section 552.136.

In summary, the district (1) must withhold or release Centennial's and Horizon's information in accordance with Open Records Letter No. 2012-01469; (2) must withhold the insurance policy numbers we have indicated under section 552.136 of the Government Code; and (3) must release the rest of 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

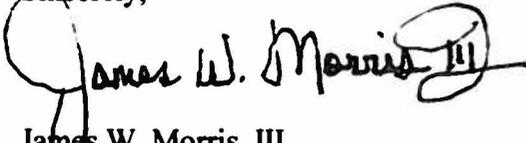
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<sup>2</sup>As we are able to make this determination, we need not address Horizon's arguments against disclosure.

<sup>3</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).

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,

A handwritten signature in black ink that reads "James W. Morris, III". The signature is written in a cursive style with a large initial "J" and "M".

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/bhf

Ref: ID# 475345

Enc: Submitted information

c: Requestor  
(w/o enclosures)

Mr. Tom Julian  
Centennial Contractors Enterprises, Inc.  
11111 Sunset Hills Road, Suite 350  
Reston, Virginia 20190  
(w/o enclosures)

Mr. Al Kashani  
Vice President  
Horizon International Group, LLC  
4204 Bellaire Boulevard  
Houston, Texas 77025  
(w/o enclosures)

Office of General Counsel  
J. T. Vaughn Construction, LLC  
10355 Westpark Drive  
Houston, Texas 77042  
(w/o enclosures)