



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 19, 2013

Mr. David F. Brown
For Texas Windstorm Insurance Association
Ewell, Bickham & Brown, LLP
111 Congress Avenue, Suite 400
Austin, Texas 78701

OR2013-04527

Dear Mr. Brown:

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# 481616.

The Texas Windstorm Insurance Association ("TWIA"), which you represent, received a request for documents created or reviewed by a named individual regarding the total cost to TWIA of Hurricane Ike, including documents that may support any statements made by the named individual. You state TWIA has provided some of the requested information to the requestor. Although TWIA takes no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the privacy and proprietary interests of third parties. Accordingly, you state you notified the third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any third party explaining why its information should not be released. Therefore, we have

no basis to conclude any third party has a protected proprietary interest in the submitted information. *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. Additionally, we have no basis to conclude any third party has a privacy interest in the submitted information. Accordingly, TWIA may not withhold any of the information at issue on the basis of any privacy or proprietary interest any third party may have in it. As no exceptions to disclosure have been raised, 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,



Kristi L. Wilkins
Assistant Attorney General
Open Records Division

KLW/akg

Ref: ID# 481616

Enc. Submitted documents

c: Requestor
(w/o enclosures)