



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 12, 2013

Mr. Paul K. Pearce, Jr.  
Counsel for the Rockwall Independent School District  
Matthews, Stein, Shiels, Pearce, Knott, Eden & Davis, L.L.P.  
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Dallas, Texas 75251

OR2013-13994

Dear Mr. Pearce:

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# 496046 (File No. 2554-64426).

The Rockwall Independent School District (the "district") received a request for district insurance policies in effect on a specified date. You claim the submitted information is exempted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not exempted from required disclosure under this chapter unless made confidential under this chapter or other law:

...

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body[.]

Gov't Code § 552.022(a)(3). The submitted insurance policy constitutes a contract related to the expenditure of funds by the district and is subject to section 552.022(a)(3) of the Government Code. Accordingly, the district may only withhold the submitted information if it is confidential under the Act or other law. *Id.* The district raises section 552.103 as an exception to disclosure of the submitted information. However, section 552.103 is a discretionary exception that does not make information confidential under the Act. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); *see also* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 542 at 4 (1990) (statutory predecessor to section 552.103 may be waived). Accordingly, the district may not withhold the submitted information on the basis of section 552.103. As you raise no further exceptions to disclosure, 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kristi L. Wilkins  
Assistant Attorney General  
Open Records Division

KLW/bhf

Ref: ID# 496046

Enc. Submitted documents

c: Requestor  
(w/o enclosures)