



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 21, 2014

Ms. Jenny Wells  
General Counsel  
Leander Independent School District  
P.O. Box 218  
Leander, Texas 78646-0218

OR2014-03282

Dear Ms. Wells:

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# 514788 (Leander Request #860).

The Leander Independent School District (the "district") received a request for a copy of the current administrative services agreement between the district and Blue Cross Blue Shield of Texas ("BCBS") for Medical Plan Benefits. You state you have redacted account numbers subject to section 552.136 of the Government Code in accordance with Open Records Decision No. 684 (2009).<sup>1</sup> Although you take no position as to whether the remaining information is excepted under the Act, you state release of the information may implicate the proprietary interests of BCBS. Accordingly, you state, and provide documentation showing, you notified BCBS of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See Gov't Code*

---

<sup>1</sup>Section 552.136(c) of the Government Code allows a governmental body to redact the information described in section 552.136(b) without the necessity of seeking a decision from the attorney general. *See Gov't Code* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e). We note the statutory amendments to section 552.136 of the Government Code superceded Open Records Decision No. 684 on September 1, 2011. Therefore, a governmental body may only redact information subject to section 552.136(b) in accordance with section 552.136, not Open Records Decision No. 684.

§ 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 to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received any comments from BCBS explaining why any of the information at issue should not be released. Therefore, we have no basis to conclude BCBS has protected proprietary interests in the 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. Consequently, the district may not withhold any of the information at issue on the basis of any proprietary interests BCBS may have in the information. As no exceptions to disclosure are raised, the information at issue 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,

A handwritten signature in black ink, appearing to read "Rashandra C. Hayes", with a long horizontal flourish extending to the right.

Rashandra C. Hayes  
Assistant Attorney General  
Open Records Division

RCH/dls

Ref: ID# 514788

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Amy Gillette  
Account Executive - Mid Market  
Blue Cross Blue Shield of Texas  
14th Floor, Tower B, Maildrop 14.310C  
1001 East Lookout Drive  
Richardson, Texas 75082  
(w/o enclosures)