



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 12, 2014

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

OR2014-13992

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# 532404.

The Round Rock Independent School District (the "district") received a request for the bid packages for RFP PE14-079, video surveillance system. You state the release of the submitted information may implicate the proprietary interests of 3Sixty Integrated; General Datatech, L.P.; Knight Security Systems; Securadyne Systems; Stanley Convergent Security Solutions, Inc.; and Technology for Education, L.L.C. You state, and provide documentation showing, you notified the third parties of the request and of their right to submit arguments to this office as to why their information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure in certain circumstances). We have reviewed the submitted information and considered correspondence submitted by 3Sixty Integrated.

We note that 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). We note that although 3Sixty Integrated has submitted correspondence to this office, it does not make

any arguments against disclosure of its information.¹ We further note that as of the date of this decision, we have not received comments from any of the other third parties. Thus, we find none of the third parties have demonstrated that they have a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); 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. Accordingly, the district may not withhold any of the submitted information on the basis of any proprietary interest the third parties may have in the information.

Section 552.136 of the Government Code provides “[n]otwithstanding any other provision of this chapter, 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.”² Gov’t Code § 552.136(b). An access device number is one that may be used to (1) obtain money, goods, services, or another thing of value, or (2) initiate a transfer of funds other than a transfer originated solely by paper instrument, and includes an account number. *See id.* § 552.136(a) (defining “access device”). This office has determined that insurance policy numbers are access device numbers for purposes of section 552.136. Accordingly, the district must withhold the insurance policy numbers we have marked under section 552.136.

In summary, the district must withhold the insurance policy numbers we have marked under section 552.136 of the Government Code. The district must release the remaining 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.

¹We note some of the information 3Sixty Integrated provided to this office was not submitted by the district for our review. By statute, this office may only rule on the public availability of information submitted by the governmental body requesting the ruling. *See* Gov’t Code § 552.301(e)(1)(D) (governmental body requesting decision from Attorney General must submit copy of specific information requested). Because this information was not submitted by the district, this ruling does not address the additional information submitted by 3Sixty Integrated.

²The Office of the Attorney General will raise a mandatory exception like section 552.136 on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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, 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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/bhf

Ref: ID# 532404

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Sam Tenorio
General Data Tech L.P.
999 Metromedia Place
Dallas, Texas 75247
(w/o enclosures)

Mr. Robert Drozd
Securadyne Systems
3440 Sojourn Drive, Suite 240
Carrollton, Texas 75006
(w/o enclosures)

Mr. William R. Duke Jr.
3sixty Integrated
Suite 207b
11950 Starcrest Drive
San Antonio, Texas 78247
(w/o enclosures)

Mr. Arthur Ruiz
Stanley Convergent Security Solutions Inc
Suite 110
4616 West Howard Lane, Building 1
Austin, Texas 78728
(w/o enclosures)

Ms. Christi Hubbard
Technology for Education LLC
658 Alliance Parkway
Hewitt, Texas 77643
(w/o enclosures)

Mr. Kevin Garlick
Knight Security Systems
10105 Technology Boulevard West
(w/o enclosures)