



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 16, 2009

Ms. Laura Garza Jimenez
Nueces County Attorney
Nueces County Courthouse
901 Leopard, Room 207
Corpus Christi, Texas 78401-3680

OR2009-00679

Dear Ms. Jimenez:

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# 332563.

The Nueces County Judge (the "county") received a request for the selected proposal, score sheets, and other relevant materials used in the determination and awarding of the Multisystemic Therapy Preservation Program for the county, reference number 2274-08. You state the county has released some information to the requestor. You claim a portion of the submitted information is excepted from disclosure under section 552.136 of the Government Code. You also indicate that release of the submitted information may implicate the proprietary interests of Liberty Resources ("Liberty"). Accordingly, you state, and provide documentation showing, that you have notified Liberty of the request and of its opportunity to submit comments to this office as to why the submitted information should not be released to the requestor. *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 the applicability of exception to disclose under Act in certain circumstances). A representative from Liberty has submitted comments to our office. We have considered the submitted arguments and reviewed the submitted information.

The county and Liberty both raise section 552.136 of the Government Code for portions of the submitted information. Section 552.136 provides:

(a) In this section, "access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another access device 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.

(b) Notwithstanding 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.

Gov't Code § 552.136. Upon review, we agree the insurance policy numbers the county has marked must be withheld under section 552.136 of the Government Code. As no other arguments are raised against the disclosure of the remaining submitted information, it must be released to the requestor.

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 at (512) 475-2497.

Sincerely,



Jordan Hale
Assistant Attorney General
Open Records Division

JH/jb

Ref: ID# 332563

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

Ms. Mary Lou Murphy, LMSW
Vice President, Child and Family Services
~~Liberty Resources~~
1065 James Street, Suite 200
Syracuse, New York 13203
(w/o enclosures)