



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 26, 2009

Ms. Neera Chatterjee  
Public Information Coordinator  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2009-02556

Dear Ms. Chatterjee:

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# 336592.

The University of Texas Southwestern Medical Center at Dallas (the "university") received a request for information pertaining to a specific RFP. You state that you have released some of the requested information. We understand you to claim that portions of the submitted information are excepted from disclosure under sections 552.110 and 552.136 of the Government Code. You also state that release of this information may implicate the proprietary interests of Hardy & Hardy, Inc., Prime Time Auto, Inc., and The Shine, Inc. (collectively, the "third parties"). You state, and provide documentation showing, that you have 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) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have considered the exceptions you claim and have reviewed the submitted information.

Section 552.136 states that "[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." 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. *Id.* § 552.136(a). You have marked an internal account number and insurance policy numbers. You state that “recently an individual gained access to an internal account number of the [u]niversity and was able to produce a fraudulent check issued from the account.” Accordingly, the university must withhold the information you have marked under section 552.136 of the Government Code.

Next, we note that 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. *Id.* § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from the third parties explaining why the submitted information should not be released. On behalf of the third parties, however, you assert that a portion of the submitted information may be excepted under section 552.110 of the Government Code. Although you assert that the submitted information is excepted under section 552.110 of the Government Code, we note that section 552.110 is designed to protect the interests of third parties, not the interests of a governmental body. Therefore, because we have received no arguments from the third parties, the university may not withhold any of the submitted information under section 552.110 of the Government Code.

In summary, the university must withhold the information you have marked under section 552.136. The remaining 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](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,

A handwritten signature in black ink, appearing to read 'Chris Schulz', with a long horizontal flourish extending to the right.

Chris Schulz  
Assistant Attorney General  
Open Records Division

CS/cc

Ref: ID# 336592

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

Mr. R.W. Hardy, Sr.  
Hardy & Hardy, Inc.  
P.O. Box 35982  
Houston, Texas 77235  
(w/o enclosures)

Mr. Larry Todd  
Prime Time Auto, Inc.  
11420 North Central Expressway  
Dallas, Texas 75243  
(w/o enclosures)

Mr. Alfred D. Zachary  
The Shine, Inc.  
4207 Idaho  
Dallas, Texas 75216  
(w/o enclosures)