



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 7, 2010

Mr. David Galbraith
Assistant General Counsel
Houston Independent School District
4400 West 18th Street
Houston, Texas 77092-8501

OR2010-08290

Dear Mr. Galbraith:

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# 381777.

The Houston Independent School District (the "district") received a request for certain contracts, including amendments and additions, the district has entered into with Aetna Life Insurance Company ("Aetna"). Although you take no position with respect to the public availability of the submitted information, you provide documentation showing you notified Aetna of the request and of its right to submit arguments to this office as to why the submitted 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 the applicability of exception to disclose under Act in certain circumstances). We have received comments from Aetna and reviewed the submitted arguments and information.

Initially, we note a portion of the submitted information, which we have marked, is not responsive to the instant request because it does not consist of the contracts, amendments, or additions specified in the request. The district need not release nonresponsive information in response to this request and this ruling will not address that information.

Next, we note Aetna argues against the release of information that was not submitted by the district. However, our ruling is limited to what the district has submitted for our review. *See* Gov't Code § 552.301(e)(1)(D) (governmental body requesting decision from attorney general must submit copy of specific information requested). As Aetna's arguments do not pertain to the submitted information, we need not address them.

We note portions of the submitted information are subject to section 552.136 of the Government Code. Section 552.136 states "[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." *Id.* § 552.136. This office has concluded that insurance policy numbers constitute access device numbers for purposes of section 552.136. *See id.* § 552.136(a) (defining "access device"). Accordingly, the district must withhold the insurance policy number we have marked under section 552.136 of the Government Code.¹ As no exception to the disclosure of the remaining information has been raised, it 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, 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, toll free, at (888) 672-6787.

Sincerely,



Matt Entsminger
Assistant Attorney General
Open Records Division

MRE/eeg

¹We note this office recently issued Open Records Decision No. 684 (2009), a previous determination authorizing all governmental bodies to withhold ten categories of information, including insurance policy numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 381777

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Mark R. Chulick
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(w/o enclosures)