



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 4, 2011

Ms. Dona H. Cornell  
General Counsel  
University of Houston System  
311 East Cullen Building  
Houston, Texas 77204-2028

OR2011-06057

Dear Ms. Cornell:

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# 416336.

The University of Houston (the "university") received a request for award information related to the Invitation to Bid #730-CV10012010, Campus Wide Pest Control Services. Although you raise no exceptions to disclosure of the submitted information, you state release of this information may implicate the proprietary interests of certain third parties.<sup>1</sup> You inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, the university notified these third parties of the request and of their right to submit arguments to this office explaining why their information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *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 in certain circumstances). We have reviewed the submitted information.

We note an interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to the third party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from any of the third parties. Thus, because these third parties have not demonstrated that any of the requested information is proprietary for the purposes of the Act, the university may not withhold any of the submitted information on that basis. *See id.*

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<sup>1</sup>The interested third parties are as follows: ABC Home & Commercial Services; Coyle's Pest Control, Inc.; Hill Country Pest Control; Myers Pest and Termite Service; ORKIN, LLC; Southwest Exterminating Company; Terminex International Company, L.P.; and The Steritech Group, Inc.

§ 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 (1990).

We note the submitted information contains insurance policy numbers subject to section 552.136 of the Government Code.<sup>2</sup> 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. This office has determined that insurance policy numbers are access device numbers for purposes of section 552.136. *See id.* § 552.136(a) (defining “access device”). Accordingly, the university must withhold the insurance policy numbers we have marked under section 552.136 of the Government Code.<sup>3</sup> As no exceptions are raised for the remaining information, 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](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,



Andrea L. Caldwell  
Assistant Attorney General  
Open Records Division

ALC/eeg

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

<sup>3</sup>We note Open Records Decision No. 684 (2009) is a previous determination to all governmental bodies authorizing them 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# 416336

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Matt Tillson  
The Steritech Group, Inc.  
13406 Muses  
Universal City, Texas 78148  
(w/o enclosures)

Ms. April Shane-Wilton  
ORKIN, LLC  
3901 Braxton Drive  
Houston, Texas 77063  
(w/o enclosures)

Mr. Jonathan D. Hooper  
Myers Pest and Termite Service  
7101 John W. Carpenter Freeway  
Dallas, Texas 75247  
(w/o enclosures)

Mr. Mick Spillos Jr  
Southwest Exterminating Company  
1102 Southwest Freeway  
Houston, Texas 77074  
(w/o enclosures)

Mr. Burely Provost  
Coyle's Pest Control, Inc.  
514 Pecan Street  
Fresno, Texas 77545  
(w/o enclosures)

Mr. Bradley V. Drage  
Hill County Pest Control  
305 Francisco Lemons Street  
Kerrville, Texas 78028  
(w/o enclosures)

Mr. Rodney A. Rodriguez  
ABC Home & Commercial Services  
8448 North Sam Houston Parkway West  
Houston, Texas 77067  
(w/o enclosures)

Mr. Tracy Vrooman  
Terminex International Company, L.P.  
11727 West Sam Houston Parkway South, Suite F-2  
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(w/o enclosures)