



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 10, 2012

Ms. Elizabeth L. White
Counsel for the City of Friendswood
Ross, Banks, May, Cron & Cavin, P.C.
2 Riverway, Suite 700
Houston, Texas 77056-1918

OR2012-10608

Dear Ms. White:

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# 458742 (File# 4396-001).

The City of Friendswood (the "city"), which you represent, received a request for information submitted to the city by IESI TX Corporation ("IESI"), Nexus Disposal, L.L.C. ("Nexus), and Republic Services, Inc. ("Republic") in response to a request for proposals for solid waste collection services.¹ Although you take no position on its public availability, you believe the submitted information may implicate the proprietary interests of IESI, Nexus, and Republic. You inform us IESI, Nexus, and Republic were notified of this request for information and of their right to submit arguments to this office as to why the submitted information should not be released.² We have reviewed the information you submitted.

¹You indicate the city received clarification of the request. See Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information); *City of Dallas v. Abbott*, 304 S.W.3d 380, 384 (Tex. 2010) (when governmental entity, acting in good faith, requests clarification or narrowing of unclear or over-broad request for public information, ten-day period to request attorney general ruling is measured from date request is clarified or narrowed).

²See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

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 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 IESI, Nexus, or Republic. Therefore, because none of the third parties concerned has demonstrated any of the information at issue is proprietary for purposes of the Act, the city may not withhold any of the submitted information on the basis of any interest IESI, Nexus, or Republic may have in the submitted information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999).

We note sections 552.130 and 552.136 of the Government Code are or may be applicable to some of the submitted information.³ Section 552.130 excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state or another state or country. *See* Gov't Code § 552.130(a)(2). We have marked information the city must withhold under section 552.130 to the extent the information consists of license plate or vehicle identification numbers.

Section 552.136 of the Government Code provides in part that "[n]otwithstanding any other provision of [the Act], 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(b); *see id.* § 552.136(a) (defining "access device"). This office has determined an insurance policy number is an access device number for purposes of this exception. We have marked bank account, bank routing, and insurance policy numbers the city must withhold under section 552.136.

In summary, the city must withhold (1) the information we have marked under section 552.130 of the Government Code to the extent it consists of license plate or vehicle identification numbers and (2) the bank account, bank routing, and insurance policy numbers we have marked under section 552.136 of the Government Code. The rest of the submitted information must be released.

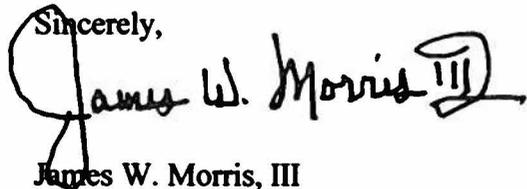
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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, or call the Office of the Attorney General's Open Government Hotline, toll free,

³This office will raise sections 552.130 and 552.136 on behalf of a governmental body, as these sections are mandatory exceptions to disclosure. *See* Gov't Code §§ 552.007, .352; Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions).

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,

A handwritten signature in black ink that reads "James W. Morris III". The signature is written in a cursive style with a large initial "J" and a stylized "III" at the end.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/bhf

Ref: ID# 458742

Enc: Submitted documents

c: Requestor
(w/o enclosures)

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