



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 16, 2013

Mr. Stanton Strickland  
Associate Commissioner  
Legal Section  
General Counsel Division  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR2013-08162

Dear Mr. Strickland:

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# 486580 (TDI# 136116).

The Texas Department of Insurance (the "department") received a request for (1) information pertaining to a specified request for proposals; (2) a specified contract; and (3) a list of all managing agents licensed in Texas. You state some information will be released to the requestor. Although you take no position with respect to the public availability of the requested information, you state release of a portion of this information may implicate the proprietary interests of Alvarez & Marsal Insurance Advisory Services, LLC ("A&M"). Accordingly, you notified A&M of the request for information and of its right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the comments submitted by A&M and reviewed the submitted information.

You state the requested information is subject to previous rulings from this office. In Open Records Letter No. 2012-09290 (2012) we concluded the department must withhold the information we marked in A&M's bid proposal under section 552.110 of the Government

Code and the remaining information must be released. In Open Records Letter No. 2013-06147A (2013) we concluded, in part, the department must withhold the information we marked under section 552.110 of the Government Code and the remaining information must be released. As we have no indication there has been any change in the law, facts, and circumstances on which the prior rulings were based, the department must continue to rely on Open Records Letter No. 2012-09290 and Open Records Letter No. 2013-06147A as previous determinations and withhold or release the requested information in accordance with the prior rulings. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,

A handwritten signature in black ink, appearing to read "Michelle R. Garza", with a long horizontal flourish extending to the right.

Michelle R. Garza  
Assistant Attorney General  
Open Records Division

MRG/som

Ref: ID# 486580

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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