



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 21, 2014

Mr. Nick Lealos
Staff Attorney
Office of Agency Counsel, Legal Section
Texas Department of Insurance
P.O. Box 149104, MC 110-1A
Austin, Texas 78714-9104

OR2014-04820

Dear Mr. Lealos:

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# 516445 (TDI # 146201).

The Texas Department of Insurance (the "department") received a request for a specified insurance company's Preferred Provider Organization filings during a specified time period. Although you take no position regarding the release of the submitted information, you state release of the submitted information may implicate the proprietary interests of Connecticut General Life Insurance Company ("CIGNA"). Accordingly, you state, and have provided documentation showing, you notified CIGNA 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 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 reviewed the submitted information.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See Gov't Code § 552.305(d)(2)(B).* As of the date of this ruling, we have not received comments from CIGNA.¹ Thus, we have no basis to conclude CIGNA has a protected proprietary interest in the submitted information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of

¹We note we only received CIGNA's initial comments to our office indicating detailed arguments would be provided at a later date.

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. Accordingly, the department may not withhold any of the submitted information on the basis of any proprietary interest CIGNA may have in the information. The department raises no exceptions to disclosure, the requested 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lana L. Freeman
Assistant Attorney General
Open Records Division

LLF/bhf

Ref: ID# 516445

Enc. Submitted documents

c: Requestor
(w/o enclosures)

CIGNA HeathCare of Texas
c/o Mr. Joseph W. Buoni
Andrews Kurth
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600 Travis
Houston, Texas 77002
(w/o enclosures)

Connecticut General Life Insurance
c/o Ms. Susan Morris
Senior Counsel
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