



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 6, 2014

Ms. Rebecca Bailey Weimer
Counsel for Stafford Municipal School District
Thompson & Horton, LLP
3200 Southwest Freeway, Suite 2000
Houston, Texas 77027-7528

OR2014-09765

Dear Ms. Weimer:

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# 525088.

The Stafford Municipal School District (the "district"), which you represent, received a request for a copy of the district's current insurance policy for its student athletic program and the total student athletic accident insurance losses and annual premiums for specified school years. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of University Fidelity Life Insurance Company ("UFLIC"). Accordingly, you state you notified UFLIC of the request for information 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) (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 received comments from UFLIC. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note you have not submitted any information regarding the total student athletic accident insurance losses for the specified years. Therefore, to the extent information responsive to this aspect of the request exists, we assume you have released it to the requestor. *See* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

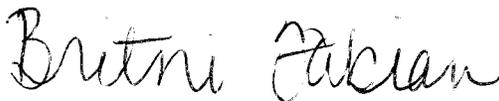
Next, we note the majority of the submitted information is not responsive to the instant request because the requestor did not ask for this type of information. This ruling does not address the public availability of non-responsive information, and the district is not required to release non-responsive information in response to this request.¹ We have marked the information that is responsive to the instant request.

Section 552.136 of the Government Code states “[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.”² *Id.* § 552.136(b); *see id.* § 552.136(a) (defining “access device”). This office has determined an insurance policy number is an access device for purposes of this exception. *See* Open Records Decision No. 684 at 9 (2009). Thus, the district must withhold the insurance policy number we have marked under section 552.136 of the Government Code. The remaining responsive 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,



Britni Fabian
Assistant Attorney General
Open Records Division

BF/tch

¹As our ruling is dispositive for this information, we need not address UFLIC’s arguments against disclosure of this information.

²The 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).

Ref: ID# 525088

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Bruce McCandless III
Counsel for Universal Fidelity Life Insurance Company
Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.
106 East Sixth Street, Suite 300
Austin, Texas 78701-3661
(w/o enclosures)