



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 14, 2014

Ms. LeAnn M. Quinn  
City Secretary  
City of Cedar Park  
450 Cypress Creek Road  
Cedar Park, Texas 78613

OR2014-12096

Dear Ms. Quinn:

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# 528934 (City Ref. No. CS14-097).

The City of Cedar Park (the "city") received a request for information pertaining to RFP No. 01-004-213. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of third parties. Accordingly, you state, and provide documentation showing, you notified the interested third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released.<sup>1</sup> 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) (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 reviewed the submitted information.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to

---

<sup>1</sup>The third parties are Combined Benefits Group, Inc.; Gallagher Benefit Services, Inc.; GL Group, Insurance & Consulting; Higginbotham; Holmes Murphy & Associates; and McQueary, Henry, Bowles, Troy, L.L.P.

why information relating to that party should be withheld from public disclosure. See Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the interested third parties explaining why their information should not be released. Therefore, we have no basis to conclude any of the third parties have a protected proprietary interest in the submitted information. See *id.* § 552.110; 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 the requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret). Accordingly, the city may not withhold the submitted information on the basis of any proprietary interest these third parties may have in it.

We note some of the information at issue is subject to section 552.136 of the Government Code.<sup>2</sup> Section 552.136(b) provides, “[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.” Gov't Code § 552.136(b). This office has determined insurance policy numbers are access device numbers for purposes of section 552.136. See *id.* § 552.136(a) (defining “access device”). Accordingly, the city must withhold the insurance policy numbers we have marked under section 552.136 of the Government Code.

We further note some of the information at issue may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; see Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit.

In summary, the city must withhold the insurance policy numbers we have marked under section 552.136 of the Government Code. The city must release the remaining information; however, any information subject to copyright may only be released in accordance with copyright law.

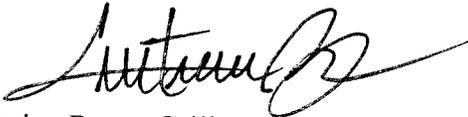
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

---

<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).

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](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,



Cristian Rosas-Grillet  
Assistant Attorney General  
Open Records Division

CRG/dls

Ref: ID# 528934

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. James Crook  
Vice President  
Combined Benefits Group, Inc.  
P.O. Box 164195  
Austin, Texas 78716  
(w/o enclosures)

Mr. Nick Long  
GL Croup, Insurance & Consulting  
P.O. Box 1397  
Weslaco, Texas 78599  
(w/o enclosures)

Mr. Keith Carmichael  
President  
McQueary, Henry, Bowles, Troy  
301 Congress Avenue, Suite 1000  
Austin, Texas 78701  
(w/o enclosures)

Mr. Dick Lapanen  
Executive Vice President  
Higginbotham  
1221 South Mopac Expressway, #160  
Austin, Texas 78746  
(w/o enclosures)

Mr. Jarrad Willis  
Vice President  
Holmes Murphy  
12712 Park Central Drive, #100  
Dallas, Texas 75251  
(w/o enclosures)

Mr. Jason Kloc  
Broker  
Gallagher Benefit Services, Inc.  
711 East University Avenue  
Georgetown, Texas 78626  
(w/o enclosures)