



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 25, 2014

Ms. Ashley D. Fourt
Assistant District Attorney
Tarrant County
401 West Belknap
Fort Worth, Texas 76196-0201

OR2014-17096

Dear Ms. Fourt,

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# 537483.

The Tarrant County District Attorney's Office (the "district attorney's office") received a request for several categories of information pertaining to the provision of food and commissary services for jail and detention facilities in the county, including current contracts, the last request for proposals concerning food services, and any responses to the last request for proposals. You state you have released some information to the requestor. 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 Five Star Correctional Services ("Five Star"), Selrico Services, Inc. ("Selrico"), and CBM Food Service ("CBM"). Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their rights 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 reviewed the submitted information.

Initially, 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 why requested information relating to it should be withheld from 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. We did receive correspondence from counsel for CBM, informing us it would send arguments to withhold the CBM's information at issue at a later date. However, as of the date of this letter, CBM has not submitted to this office reasons explaining why the requested 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 district attorney's office may not withhold the submitted information on the basis of any proprietary interest these third parties may have in it.

Next, we note portions of the submitted information are subject to section 552.136 of the Government Code.¹ 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.” Gov't Code § 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 section 552.136. We have marked insurance policy numbers that are subject to section 552.136 of the Government Code. Accordingly, the district attorney's office must withhold the information we have marked under section 552.136 of the Government Code. As no further exceptions to disclosure have been raised, the district attorney's office must release the remaining submitted information.

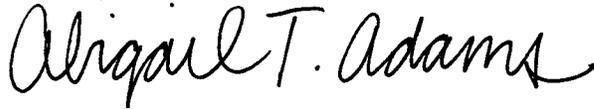
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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

¹The 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).

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Abigail T. Adams
Assistant Attorney General
Open Records Division

ATA/ac

Ref: ID# 537483

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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For Five Star Correctional Services
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Addison, Texas 75001
(w/o enclosures)

Mr. John Aleman
Selrico Services, Inc.
717 West Ashby Place
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(w/o enclosures)

Mr. Jeffrey R. Green
CBM Food Service
2219 East Benson Road
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