



January 5, 2015

Mr. K. Scott Oliver
Corporate Counsel
San Antonio Water Systems
P.O. Box 2449
San Antonio, Texas 78298-2449

OR2015-00051

Dear Mr. Oliver:

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# 549598.

San Antonio Water System (the "system") received a request for bid evaluation sheets, summary tabulation sheets, and a copy of the winning proposal generated in response to a specified request for proposals. You indicate you have released some information to the requestor. Although you take no position with respect to the public availability of the remaining requested information, you state its release may implicate the proprietary interests of SIGMA Risk Management Consulting, LLC ("SIGMA"). Accordingly, you state, and provide documentation demonstrating, you notified SIGMA of the request for information and of its right to submit arguments stating why its information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); 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 applicability of exception in certain circumstances). You have provided correspondence from SIGMA. We have considered the submitted arguments and reviewed the submitted information.

SIGMA argues its information should be withheld because it "included proprietary information in [its] proposal." However, SIGMA does not cite to any provision of the Act or any specific law that makes any of SIGMA's information confidential or would otherwise allow the system to withhold the information from release under the Act. *See* Gov't Code

§ 552.110(a)–(b); 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 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. Thus, we find SIGMA has failed to establish any of its information is excepted from disclosure under the Act.

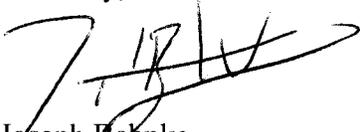
Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.”¹ Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). This office has concluded insurance policy numbers constitute access device numbers for purposes of section 552.136. Thus, the system must withhold the insurance policy numbers in the submitted information under section 552.136 of the Government Code.

In summary, the system must withhold the insurance policy numbers in the submitted information under section 552.136 of the Government Code. The remaining 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,



Joseph Behnke
Assistant Attorney General
Open Records Division

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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).

Ref: ID# 549598

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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