



January 8, 2015

Ms. Deborah Shibley  
General Counsel  
Central Texas College  
P.O. Box 1800  
Killeen, Texas 76540-1800

OR2015-00341

Dear Ms. Shibley:

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# 550573.

Central Texas College (the "college") received a request for the bid tabulation, award letter, name of the company to which the bid was awarded, date on which the bid was awarded, amount of the award, and proposal response submitted by the winning bidder for bid number 14-010. You state, although the college takes no position with respect to the submitted information, its release may implicate the interests of Vanguard Contractors, L.P. ("Vanguard"). Accordingly, you state, and provide documentation demonstrating, the college notified Vanguard 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 (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). 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 under section 552.305(d) of the Government Code 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, this office has not received comments from Vanguard explaining why its information should not be released

to the requestor. Thus, we have no basis to conclude the release of the submitted information would implicate Vanguard's interests, and none of the submitted information may be withheld on that basis. *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 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.

We note portions of the submitted information are subject to section 552.136 of the Government Code.<sup>1</sup> Section 552.136 states, "Notwithstanding any other provision of this chapter, 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 also id.* § 552.136(a) (defining "access device"). This office has determined an insurance policy number is an access device number for the purposes of section 552.136. *See* Open Records Decision No. 684 (2009). Accordingly, the college must withhold the insurance policy numbers we have marked under section 552.136. As no further exceptions to disclosure have been raised, the college must release the remaining 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](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,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

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<sup>1</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).

Ref: ID# 550573

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Tom Rehak  
Vanguard  
820 North 31<sup>st</sup> Street  
Temple, Texas 76504  
(w/o enclosures)